

**SEVENTY-THIRD DAY**

(Monday, May 31, 1965)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Morning Call Dispensed With**

On motion of Senator Hardeman and by unanimous consent The Morning Call was dispensed with.

**Senate Resolution 827**

Senator Dies by unanimous consent offered the following resolution:

Whereas, This session has produced a record number of birthday parties in the Senate, but one of the members, known for his foresighted approach to legislation, has used the same techniques in planning his birthday—it is to be on June 1, just after this session closes; and

Whereas, Not to be outdone by this slick political maneuver, the colleagues of Senator Charles Ferguson Herring by this Resolution intend to pre-date his official birthday and thus celebrate this happy occasion with him; and

Whereas, Charlie Herring is a great favorite in the Texas Senate, where

he has served since 1957; he is a recognized leader and has held many major committee appointments; and

Whereas, Before coming to the Senate, this fine legislator had already gained state and national recognition for his outstanding record during the years he served as United States Attorney for the Western District of Texas, a post to which he was appointed by President Truman in 1951; he established a nationwide record for convictions in over 97 per cent of the more than 17,000 cases handled; and

Whereas, Doubtless this influenced Lieutenant Governor Ben Ramsey when he appointed Charlie to the chairmanship of the Investigating Committee of the Senate and, later, to the position as chairman of the Interim General Investigating Committee in 1957, when he became the first freshman Senator to receive this honor; the committee, under his leadership, was largely responsible for the many improved regulatory measures effected in the insurance industry to safeguard the public interest; and

Whereas, Senator Herring was hardly a novice in legislative processes, however, when he began his first term; he had served in the Texas Senate as parliamentarian during the 52nd session of the Legislature; and

Whereas, Outstanding among his many talents, Charlie has a remarkable attribute: the friendship of this great gentleman is not expressed in the flamboyant good fellowship of the typical extrovert; his friendship bears the comfortable constancy of the quiet, steady flame; and

Whereas, It has been said by one of Charlie's closest friends that he is truly a good and kind-hearted man, so kind, in fact, that it is well he isn't a girl—it is so hard for him to say "No"; and

Whereas, Besides the many qualities he possesses that have made for Charlie Herring a good life and a successful career, he has been blessed by a wonderful family; he married his college sweetheart, the former Doris Marie Wallace of El Campo, while they were both attending the University of Texas, and they have three lovely daughters, a handsome son, and four charming grandchildren; and

Whereas, Young "Chuck" Herring will celebrate the same birth date as

his father, and even the numbers of the years—transposed: Chuck will be 15, his Dad, 51; and

Whereas, This young man has the good looks of his father and, judging from his scholastic record, the same brilliant future in store; he was named "Cub" Man of the Year while in the 8th Grade at St. Edwards, and has consistently been given recognition each year as an honor student; and

Whereas, The Senate of the 59th Legislature wishes to extend Birthday Greetings to Senator Charles Ferguson Herring and his son, Charlie Jr.; now therefore be it

Resolved, That the Senate of Texas hereby congratulates Senator Charles F. Herring and Charles F. Herring, Jr. as they celebrate their 51st and 15th birthdays; and be it further

Resolved, That copies of this Resolution, under the Seal of the Senate, be prepared for Senator Herring and for Chuck as a memento of this birthday and in token of the esteem of colleagues and friends.

#### DIES

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Hall, Hardeman, Harrington, Hazlewood, Hightower, Kazen, Kennard, Krueger, Moore, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted.

Senator Dies by unanimous consent presented Senator Herring and his charming wife, Doris, to the Members of the Senate.

#### Senate Concurrent Resolution 132

Senator Hardeman by unanimous consent offered the following resolution:

S. C. R. No. 132, Suspending Joint Rules to consider S. B. No. 233 at any time.

Be it Resolved by the Senate of Texas, the House of Representatives concurring, that the Joint Rules be and they are hereby suspended for the purpose of taking up and considering S. B. No. 233 at any time.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the resolution was considered immediately and was adopted.

#### Senate Resolution 828

Senator Hardeman by unanimous consent offered the following resolution:

Whereas, With the entry of San Angelo Junior College into the State's Senior College System as Angelo State College will come a Biology Department with one of the outstanding herbariums among the State institutions of higher learning; and

Whereas, This collection of dried, pressed plants of 734 species which afford students and researchers opportunity to study the characteristics and identification of various plants, including the scientific name, the family name, and the common name, and of the various locales to which they are indigenous and grown; and

Whereas, This excellent herbarium has been built and collected through the untiring efforts of Glenn L. Casey, a long-time teacher of nearly a score of years at San Angelo Junior College, through original collections, as well as interchange with some of the Nation's foremost botanists such as Dr. Barton Warnock of Sul Ross State College at Alpine, Texas, and Dr. Goodman, curator of the Bebb Herbarium at the University of Oklahoma, who formerly served as special investigator in Southern Mexico and Central America for economic plants; and

Whereas, The Senate of Texas desires to extend congratulations to San Angelo Junior College and Glenn L. Casey on this notable herbarium and to encourage its expansion to become one of the Nation's outstanding herbariums for instruction, research and exhibition, Now, Therefore, Be It

Resolved, by the Senate of Texas that it does hereby extend its congratulations to San Angelo Junior College on its herbarium, and to Mr.

Casey for his fine work in building the herbarium to its present proportions; to express its appreciation for the cooperation by Dr. Warnock and Dr. Goodman and others who have contributed to its growth, and that copies of this Resolution, under the Seal of the Senate, be forwarded by the Secretary of the Senate to the Board of Regents for State Colleges, the Board of Trustees of San Angelo Junior College, the President of San Angelo Junior College, Mr. Glenn L. Casey, Dr. Barton Warnock and Dr. Goodman.

The resolution was read and was adopted.

#### Message From the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,  
May 29, 1965.

#### TO THE SENATE OF THE FIFTY-NINTH LEGISLATURE:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Judge of Domestic Relations Court Number Two of Tarrant County: Scott D. Moore of Fort Worth, Tarrant County.

Respectfully submitted,  
JOHN CONNALLY,  
Governor of Texas.

#### Senate Resolution 829

Senator Parkhouse by unanimous consent offered the following resolution:

Whereas, Sunday, May 30, 1965 marked the beginning of Southern Methodist University's second half-century of service to Texas and the nation; and

Whereas, Southern Methodist University has grown to be the second largest private university in the Southwest; and

Whereas, There are sixty-five thousand (65,000) former students of this fine university contributing to Texas and the nation in every walk of life; and

Whereas, Southern Methodist University has been noted for its outstanding faculty and its President, Willis Tate, who is recognized nation-

ally for his ability and leadership; Now therefore, be it

Resolved, That the Texas Senate express its congratulations and gratitude to Southern Methodist University, its faculty, students, and former students for the significant contribution that this great university has made to the culture and economy of Texas and the United States.

PARKHOUSE  
DIES  
BLANCHARD

The resolution was read and was adopted.

#### House Concurrent Resolution 168 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 168, Creating an Interim Committee to study rights of news representatives in reporting on an accused person or on court proceedings.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

#### Senate Concurrent Resolution 133

Senator Schwartz offered the following resolution:

S. C. R. No. 133, Suspending Joint Rules to consider S. B. No. 548 at any time.

Be It Resolved by the Senate of the State of Texas, the House of Representative's concurring, that the Joint Rules of the two Houses be, and they are hereby, suspended so that either House may take up and consider S. B. 548 at any time.

The resolution was read.

On motion of Senator Schwartz and by unanimous consent the resolution was considered immediately and was adopted.

#### House Concurrent Resolution 184 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 184, Authorizing corrections in H. J. R. No. 13.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

**Senate Bill 565 with House Amendment**

Senator Schwartz called S. B. No. 565 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

**Committee Amendment No. 1**

Amend S. B. 565 by striking all below the enacting change and substituting in lieu thereof the following:

Section 1. Under and pursuant to the provisions of Section 59 of Article XVI, Constitution of Texas, a conservation and reclamation district is hereby created and incorporated in Galveston County, Texas, to be known as "Pirate's Cove Municipal Utility District of Galveston County, Texas", hereinafter referred to as the "District", and the boundaries of said District shall be as follows:

A 444.1 acre tract of land, more or less, to be formed as a water control and improvement district consisting of three parts.

**Part 1.**

Beginning at a point which is South 65° West a distance of 25.0 feet from the most Southwest corner of lot number 87 in Section 3, Trimble and Lindsey Survey of Galveston Island, Galveston County, Texas; and being in the centerline of a 50 foot county road;

Thence, North 25° West a distance of 1208.20 feet along and with the centerline of a 50-foot county road to a point for corner;

Thence, North 63° 36' 30" East a distance of 2349.04 feet to a point;

Thence, South 25° 47' East a distance of 1265.36 feet to a point for a corner;

Thence, North 65° East a distance of 1,919.34 feet to a point for a corner; said corner being the most northwest corner of lot number 14;

Thence, North 25° West a distance of 1,020.00 feet to a point for corner;

Thence, North 65° East a distance of 250.00 feet to a point for corner;

Thence, North 25° West a distance of 263.13 to a point for corner;

Thence, North 64° 38' East a distance of 1,145.03 feet to a point for corner; said corner being in the centerline of a 50-foot county road;

Thence, South 25° East a distance of 3141.49 feet along and with the centerline of a 50-foot county road to a point for corner;

Thence, South 55° 58' West a distance of 3,619.90 feet to a point for a corner;

Thence, South 56° 47' West a distance of 1409.48 feet to a point for corner; said corner being in the centerline of a 50 foot county road;

Thence, North 25° West a distance of 2,620.81 feet to a point for corner, along and with the centerline of a county road;

Thence, South 65° West a distance of 710.00 feet to the point of beginning containing 362.55 acres of land more or less.

**Part 2.**

Beginning at a point which is the northwest corner of lot number 65 in Section 3, Trimble and Lindsey Survey of Galveston Island, Galveston County, Texas;

Thence, South 65° West a distance of 1,965 feet to a point for corner; said corner being located South 65° West a distance of 165 feet from the most northwest corner of lot number 92;

Thence, South 25° East a distance of 1,930 feet to a point for corner;

Thence, North 65° East a distance of 275 feet to a point for corner;

Thence, North 9° West a distance of 880 feet to a point for corner;

Thence, North 13° 35' East a distance of 115 feet to a point for corner;

Thence North 65° 45' East a distance of 470 feet to a point for corner;

Thence, North 47° East a distance of 250 feet to a point for corner;

Thence, North 58° 38' East a distance of 730 feet to a point for corner;

Thence, North 30° 05' East a distance of 730 feet to a point for corner;

Thence, North 44° 52' East a distance of 660 feet to a point for corner;

Thence, North 65° East a distance of 94.2 feet to a point for corner;

Thence, North 25° West a distance of 197.1 feet to a point for corner;

said corner being the most northeast corner of lot number 50;

Thence, South 65° West a distance of 1,040 feet to a point for corner; said corner being the common corner of lots 62, 65 and 64;

Thence, North 25° West a distance of 1,585 feet to a point for corner; said point being the most northeast corner of lot number 64;

Thence, South 60°40' West a distance of 330.95 feet to a point for corner;

Thence South 25° West a distance of 1,560 feet to the Place of Beginning and containing 78.44 acres of land more or less.

### Part 3.

Beginning at a point which is South 65° West a distance of 165 feet from the most southeast corner of lot 96 in Section 3, Trimble and Lindsey Survey of Galveston Island, Galveston County, Texas;

Thence, North 25° West a distance of 200 feet to a point for corner;

Thence, North 65° East a distance of 675 feet to a point for corner;

Thence, South 25° East a distance of 200 feet to a point for corner;

Thence, South 65° West a distance of 675 feet along and with the northerly line of Stewart Road to the point of beginning containing 3.1 acres of land more or less.

Sec. 2. It is expressly determined, and the Legislature hereby finds that the boundaries of said District form a closure, and if any mistake is made in copying the field notes in the legislative process, or otherwise a mistake is found to have occurred in the field notes, it shall in no way or manner affect the organization, existence or validity of said District, or its right to issue bonds or refunding bonds, or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Sec. 3. The District shall have and exercise, and is hereby vested with, all of the rights, powers, privileges and duties conferred and imposed by the General Laws of the State of Texas now in force or hereafter enacted, applicable to water control and improvement districts created under authority of Section 59 of Article XVI, Constitution of Texas, but to the extent that the provisions of such General Laws may be in con-

flict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such General Laws are hereby incorporated by reference with the same effect as if incorporated in full in this Act. Without in any way limiting the generalization of the foregoing, it is expressly provided the District shall have and exercise, and is hereby vested with, all of the rights, powers, privileges and duties conferred and imposed by Chapter 3A of Title 128, Revised Civil Statutes of Texas, 1925, together with all amendments thereto and additions thereto, including all powers and authority relating to the navigation of its coastal and inland waters and the reclamation and drainage of overflowed lands and other lands needing drainage in said District, and including all power and authority relating to sanitary sewer systems and the issuance of bonds therefor as authorized by and provided in said Chapter, including the power and authority to issue tax bonds, revenue or tax—revenue bonds as authorized by and provided in Article 7880-90a, Vernon's Texas Civil Statutes, as amended. Said District shall have the power to make, construct, or otherwise acquire improvements (whether previously existing or to be made, constructed or acquired) either within or without the boundaries thereof necessary to carry out the powers and authority granted by this Act and said General Laws; provided, however, that the exercise of the power of eminent domain shall not extend beyond the boundaries of the District. The powers of its Board of Directors shall include, but not be limited to, the right to enter into contracts on behalf of said District for the purchase and sale, or either, of water for such periods of time, not exceeding forty (40) years, and on such terms and conditions as its Board of Directors may deem desirable. In the event that the District in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, re-routing or changing the grade of, or altering the construction of, any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary relocation, raising, re-routing, changing of grade or alteration of

construction shall be accomplished at the sole expense of the District. The term "sole expense" shall mean the actual cost of such relocation, raising, lowering, re-routing, or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities after deducting therefrom the net salvage value derived from the old facility.

Sec. 4. The management and control of the District is hereby vested in a Board of five (5) directors which shall have all of the powers and authority and duties conferred and imposed upon boards of directors of water control and improvement districts organized under the provisions of Chapter 3A of Title 128, Revised Civil Statutes of Texas, 1925, together with all amendments thereof and additions thereto. The members of the first Board of Directors shall be appointed, as soon as practicable after this Act becomes effective, by the County Judge of Galveston County, Texas, and said first Board of Directors shall meet and organize as soon as practicable after their appointment and shall file their official bonds. If any of the aforementioned members of said first Board of Directors shall die, become incapacitated or otherwise not qualify to assume their duties under this Act, the remaining members of said Board of Directors shall appoint his or their successors. With the exception of said first Board of Directors, the Board of Directors shall be selected as provided by the General Laws for water control and improvement districts. The first election of Directors of such District shall be held on the second Tuesday in January, 1967, and in accordance with Article 7880-37, Revised Civil Statutes of Texas, 1925. Thereafter, Directors of the District shall be chosen, and elections for Directors shall be held in accordance with the provisions of the General Laws relating to water control and improvement districts.

Sec. 5. Land may be excluded from said district, or added to said district, in the manner now provided by Chapter 3A, Title 128, Revised Civil Statutes of Texas, 1925, as amended. Land may also be added to the district by written request of another land-owner or other land-owners when approved by the Board of Directors of the District. Said district

may be dissolved by its board of directors in accordance with the provisions of Section 77b, Chapter 25, General Laws, Acts of the 39th Legislature, Regular Session, 1925 (Article 7880-77b, Vernon's Civil Statutes).

Sec. 6. The bonds of the District shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their value, then accompanied by all unmatured coupons appurtenant thereto. Said bonds may be in the denomination of \$1,000 or in multiples thereof, and until such time as the bond proceeds are needed to carry out the bond purpose, such proceeds may be invested in direct obligations of the United States of America or may be placed on time deposit, either or both.

Section 7. It is hereby found and determined that all of the lands and other property included within the District are, and will be, benefitted by the creation of the District and by the improvements that the District will purchase, construct, or otherwise, acquire, and that the District is created to serve a public use and benefit.

It shall not be necessary for the Board of Directors to call or hold a hearing on the exclusion of land or other property from the District; provided, however, that the Board of Directors shall hold such hearing upon the written request of any land or other property owner within the District filed with the Secretary of the Board prior to the calling of the first bond election for the District. Nothing in this section shall be construed to prevent the Board on its own motion from calling and holding an exclusion hearing or hearings pursuant to the provisions of the general law. Upon the adoption of this

Act, said District shall be a fully created and established water control and improvement district. The ad valorem basis or plan of taxation shall be used by said District, and it shall not be necessary for the Board of Directors to hold a hearing on the adoption of a plan of taxation.

Sec. 8. As soon as practicable after the election and qualification of the first Board of Directors of said District, said Board shall by resolution designate one or more banks within or without the District to serve as the District's depository, and all funds of said District shall be secured in the manner now provided for the security of County funds. Such bank or banks shall serve for a period of two (2) years and until a successor has been selected.

Sec. 9. The Legislature hereby exercises the authority conferred upon it by Section 59 of Article XVI, Constitution of Texas, and declares that the District created by this Act is essential to the accomplishment of the purposes of said Constitutional provisions; finds that all of the land and other property included therein are, and will be, benefited thereby and by the improvements that the District will purchase, construct, or otherwise acquire; and declares the District to be a governmental agency, a body politic and corporate, and a municipal corporation.

Sec. 10. It is determined and found that a proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published at least 30 days and not more than 90 days prior to the introduction of this Act in the Legislature of Texas, in a newspaper having general circulation in Galveston County, Texas; that a copy of such notice and a copy of this Act have been delivered to the Governor of Texas who has submitted such notice and Act to the Texas Water Commission, and said Texas Water Commission has filed its recommendation as to such Act with the Governor, Lieutenant Governor and Speaker of the House of Representatives of Texas within 30 days from the date such notice and Act were received by the Texas Water Commission; and that all the requirements and provisions of Section 59(d), Article XVI, the Constitution of the State of Texas, have been fulfilled and accomplished as therein provided.

Sec. 11. If any Section, Subsection, paragraph, sentence, clause or provision of this Act is declared unconstitutional or invalid, it shall not affect the constitutionality or the validity of the remainder thereof, and it is hereby declared that this Act would nevertheless have been passed without such Section, Subsection, paragraph, sentence, clause or provision so declared unconstitutional, and to that end the provisions of this Act are hereby declared to be severable.

Sec. 12. The fact that the creation of such district will result in material benefit to the State of Texas and to the land and other property included in said district and will promote effectively the conservation of water of the State of Texas, creates an emergency and an imperative public necessity requiring that the Constitutional Rule that bills be read on three several days in each House be suspended; and the Rule is hereby suspended, and that this Act takes effect and be in force from and after its passage, and it is so enacted.

The House amendment was read.

Senator Schwartz moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Krueger
Bates	Moore
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Colson	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Strong
Hightower	Watson
Kennard	Word

#### Absent

Creighton	Kazen
Crump	

#### Senate Resolution 830

Senator Hazlewood by unanimous consent offered the following resolution:

Whereas, The Senate of the State of Texas was honored to have as its

guests Saturday two staff members of the office of the President of the United States; and

Whereas, These guests, Miss Connie Gerrard, secretary to the Honorable George Reedy, Presidential press secretary; and Mrs. Virginia Thrift, secretary to the Honorable Horace Busby, Presidential aide, visited the Capitol Complex to observe the Legislature in action; and

Whereas, We are most appreciative of the fact that there two ladies from the staffs of the Honorable Mr. Reedy and the Honorable Mr. Busby took time from their busy schedule to visit this State's Capitol while on a trip from our National Capitol; now therefore be it

Resolved, That the Senate of the 59th Legislature extends to each its heartiest good wishes and appreciation; and be it further

Resolved, That copies of this Resolution be prepared and mailed to each of these ladies.

The resolution was read and was adopted.

#### Senate Bill 538 with House Amendments

Senator Rogers called S. B. No. 538 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

#### Committee Amendment No. 1

Amend Senate Bill No. 538 by striking all below the enacting clause and substituting the following:

Section 1. Section 1 of the Act creating Green Belt Municipal and Industrial Water Authority, being Chapter 35, Acts of the First Called Session of the 53rd Legislature (herein called "Act") is hereby amended so that said Section shall be as follows:

"Section 1. By virtue of Article XVI, Section 59 of the Texas Constitution, there is hereby created a conservation and reclamation district to be known as, Greenbelt Municipal and Industrial Water Authority," (hereinafter called 'Authority') which shall be a governmental agency and a body politic and corporate."

Sec. 2. Section 2 of the Act creating Green Belt Municipal and Industrial Water Authority is hereby amended so that said section shall be as follows:

"Section 2. The Authority shall comprise all of the territory which was contained within the Cities of Childress, Clarendon, Hedley, Memphis, and Quanah, on March 1, 1954; and Crowell (the territory contained in the City of Crowell was annexed to the Authority by action of the Texas Water Commission on October 21, 1963); provided, however, that no defect in the definition of the boundaries of any of said cities or in any past or future proceedings for the annexation of territory to any of said cities shall affect the validity of the Authority hereby created or any of its powers or duties. It is hereby found that all of the land thus included in said Authority will be benefited by the improvements to be acquired and constructed by said Authority."

Section 3. Section 3 of the Act is hereby amended so that said section shall be as follows:

"Section 3. (a) All powers of the Authority shall be exercised by a board of directors. Such directors shall be appointed by majority vote of the governing body of each of the cities contained in the Authority. In appointing the first directors, the governing body of each city shall appoint one (1) director who shall serve to and including May 31, 1955. On or before April 1, 1955, the then members of the Board of Directors shall by lot determine which of four (4) such members shall be appointed by the governing body of his city to serve until May 31, 1956, and which of four (4) shall be appointed by the governing body of his city to serve until May 31, 1957. In May, 1956, the governing body of the city, whose members' term expires May 31, 1956, shall appoint a director for the two (2) year term beginning on June 1 of that year. Thereafter in May of each year the governing body of each city whose director's term expires on the succeeding May 31, shall appoint a director to serve for a two (2) year term beginning on June 1 of that year. Each director shall serve for his term of office as herein provided, and thereafter until his successor shall be appointed and quali-



fied. No person shall be appointed a director unless he resides in and owns taxable property in the city from which he is appointed. No member of a governing body of a city, and no employee of a city shall be appointed as director. Such directors shall subscribe the Constitutional oath of office, and each shall give bond for the faithful performance of his duties in the amount of five thousand dollars (\$5,000), the cost of which shall be paid by the Authority.

"(b) Each director may receive a fee of twenty dollars (\$20.00), for attending each meeting of the Board, provided that not more than forty dollars (\$40.00) shall be paid to any director for meetings held in any one calendar month. Each director may receive not exceeding twenty dollars (\$20.00) per day devoted to the business of the Authority and shall be entitled to reimbursement for actual expenses incurred in attending to Authority business provided that such service and expense are expressly approved by the Board.

"(c) A director shall be entitled to vote only if, at the time of voting, (1) the city which appointed him to the board has a contract with the Authority for any water supply; or (2) a water district has a contract with the Authority for any water supply and distributes water obtained under the contract in the city. A majority of the voting members shall constitute a quorum.

"(d) A director who is not entitled to vote, by virtue of Subsection (c) of this section above, shall receive no fee, compensation, or reimbursement from the Authority."

Sec. 4. Section 8 of the Act is hereby amended so that said Section shall be as follows:

"Section 8. In addition to those herein otherwise mentioned, the Authority shall be and is hereby authorized to exercise the following powers, rights, privileges, and functions:

"(a) To store, control, conserve, protect, distribute and utilize storm and flood waters and to prevent the escape of any such waters without first obtaining therefrom a maximum of public benefit by the construction of a dam or dams, or otherwise by complying with Chapter 1, Title 128, Revised Civil Statutes of Texas, as amended. The Authority is also empowered to provide by purchase, con-

tract, lease, gift, or in any other lawful manner, and to develop all facilities deemed necessary or useful for the purpose of storing, controlling, conserving, protecting, distributing, processing and utilizing surface and limited amounts of underground water as set forth under subsection (b) of this Section and the transportation and sale thereof to the cities and other water users within and without the Authority for municipal, domestic, industrial and other useful purposes permitted by law.

"(b) To acquire and develop any other available surface water and to construct, acquire, and develop all facilities deemed necessary with respect thereto. The Authority is authorized to acquire, develop, use and maintain the underground water facilities and underground water rights presently owned by any cities located in Donley, Hall, Childress, Hardeman and Foard Counties, to the extent of the present yield which is 3,500 acre feet per annum. The Authority is authorized to acquire, develop, enlarge, use and maintain the underground water facilities presently owned by the cities for emergency use and peaking, as determined by the Board of Directors of the Authority, to the extent of an additional 1,500 acre feet of underground water per annum until December 31, 1971, at which time the maximum allowable withdrawal shall revert to each respective city's present yield. The Authority is authorized to purchase water from any city within or without the Authority, any other water authority or district, or any governmental agency.

"(c) To acquire by purchase, construction, lease, gift, or in any other lawful manner, and to maintain, use and operate any and all property of any kind, real, personal, or mixed, or any interest therein, within the boundaries of the Authority, necessary to the exercise of the powers, rights, privileges, and functions possessed by the Authority under this Act.

"(d) To sell or otherwise dispose of any surplus property of any kind, real, personal, or mixed, or any interest therein, which shall not be necessary to the operation of the Authority.

"(e) To require the relocation of roads and highways in the manner and to the extent permitted to Dis-

tricts organized under Section 59 of Article XVI of the Texas Constitution; the cost of relocation of any roads, highways or railroads or telephone or telegraph properties or facilities made necessary by this Act and any reasonable actual damage incurred in changing and adjusting the lines and grades of railroads or such highways or roads or telephone or telegraph properties or facilities shall be paid by the Authority.

"(f) To make contracts and to execute all instruments necessary or convenient to the exercise of the powers, rights, privileges and functions of the Authority.

"(g) To make or cause to be made surveys and engineering investigations for the information of the Authority, to facilitate the accomplishment of the purposes for which it is created.

"(h) To make such contracts in the issuance of bonds as may be considered necessary to insure the marketability thereof.

"(i) To use or be sued in its corporate name.

"(j) To adopt, use and alter a corporate seal.

"(k) To make bylaws for the management and regulation of its affairs.

"(l) To fix and collect charges and rates for water services furnished by it and to impose penalties for failure to pay such charges and rates when due.

"(m) To operate and maintain with the consent of the governing body of any city or town located within the Authority, any works, plants or facilities of any such city deemed necessary or convenient to the accomplishment of the purposes for which the Authority is created.

"(n) To do any and all acts and things necessary to the exercise of the powers, rights, privileges, or functions conferred upon or permitted the Authority by any other law, except that the Authority shall not have the right of eminent domain outside of the counties in which the Authority is located and the Authority shall not condemn or have condemned for its benefit any property outside of the counties in which the Authority is located."

Sec. 5. Section 15 of the Act is hereby amended so that said Section shall be as follows:

"Section 15. The Authority is au-

thorized to enter into contracts with cities, corporations, districts, public agencies and others for supplying water to them. The Authority is also authorized to contract with any city, corporation or public agency for the rental, leasing or purchase of, or for the operation of the water production, water supply, water filtration or purification, water supply and distribution facilities of such city, corporation or public agency upon such consideration as the Authority and such entity may agree. Any such contract may be upon such terms and for such time as the parties may agree, and it may provide that it shall continue in effect until bonds specified therein and refunding bonds issued in lieu of such bonds are paid. If the Authority makes or has made a contract with Texas Water Development Board under which said Board or the state will acquire water storage facilities (as provided in Chapter 49, Acts of the 58th Legislature) in a reservoir to be constructed by the Authority, it shall be the duty of the Authority to make provision for the accumulation of a fund for purchase by the Authority of such storage space by fixing and maintaining adequate rates and charges which shall be paid by cities heretofore and hereafter contracting to buy water from the Authority."

Sec. 6. Section 17 of the Act is hereby amended so that said Section shall be as follows:

"Section 17. The Authority is authorized to acquire water appropriation permits directly from the Texas Water Commission of the State of Texas, or from owners of permits."

Sec. 7. Section 23 of the Act is hereby repealed.

Sec. 8. The fact that this legislation is immediately and urgently needed by said Authority in order to make water available to all users in the vicinity of the Authority creates an emergency and an imperative public necessity requiring that the Constitutional Rule that bills be read on three several days be suspended, and such Rule is hereby suspended; and that this Act take effect from and after its passage, and it is so enacted.

**Amendment No. 1 to Committee Amendment**

**Amend Committee Amendment No.**

1 to Senate Bill No. 538 by adding the following subsection (e) to Section 3:

"(e) No city shall be liable financially for any action taken by the Board of Directors at a time when the city's directors were not entitled to vote, as provided in subsection c above."

#### Committee Amendment No. 2

Amend Senate Bill No. 538 by striking all above the enacting clause and substituting the following:

#### A BILL

#### To Be Entitled

An Act amending Chapter 35, Acts of the First Called Session of the 53rd Legislature, being the Act creating Green Belt Municipal and Industrial Water Authority, by changing the name of the Authority; eliminating certain territory from the Authority; authorizing the Authority to acquire and develop underground water and water rights; authorizing the Authority to transport and sell water within and without the Authority; making certain changes with reference to the Directors of the Authority; making provisions with reference to contracting with the Texas Water Development Board concerning acquisition by said board or the state of water storage facilities as provided in Chapter 49, Acts of the 58th Legislature, and the purchase thereof by the Authority; repealing Section 23 of said Chapter 35; enacting other provisions relating to the subject; and declaring an emergency.

The House amendments were read.

Senator Rogers moved that the Senate concur in the House Amendments.

The motion prevailed.

#### Senate Bill 564 With House Amendment

Senator Schwartz called S. B. No. 564 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

#### Committee Amendment No. 1

Amend S. B. No. 564 by striking all

below the enacting clause and substituting in lieu thereof the following:

Section 1. Under and pursuant to the provisions of Section 59 of Article XVI, Constitution of Texas, a conservation and reclamation district is hereby created and incorporated in Galveston County, Texas, to be known as "Harbor Improvement District of Galveston County, Texas," hereinafter referred to as the "District," and the boundaries of said District shall be as follows:

All of Lots 63, 78, 83, 98, 104, 119, 105, 118, 106, 117, 107, 116, 129, 138, 151, 160, 173, 182, 195, 204, 217, 226, 238, 247, 239, 246, 259, 225, 240, 245, 260, 202, 197, 219, 224, 241, 244, 261, 264, 280, 281, 262, and 263, and part of Lots 223, 242 and 243, and part of the intervening and adjoining 50-foot County Roads, all in Section Two of the Trimble and Lindsey Survey of Galveston Island, in Galveston County, Texas, more fully described by metes and bounds as follows:

Beginning at the Southwest corner of said Lot 119 and in the East line of a 50-foot County Road;

Thence South 65° West, across said County Road, a distance of 50.0 feet to a point for corner in the West line of said road;

Thence North 25° West, along and with the West line of said road, a distance of 3960.0 feet to the Southeast corner of said Lot 129;

Thence South 65° West, along and with the South line of said lots, 129, 138, 151, 160, 173, 182, 195, 204, 217 and 226, a distance of 3525.0 feet to a point for corner in the centerline of a 50-foot County Road;

Thence South 25° East, along and with the centerline of said 50-foot road, a distance of 1320.0 feet to a point for corner;

Thence South 65° West, across said road and along and with the South line of said Lots 238 and 247, a distance of 710.0 feet to a point for corner in the centerline of a 50-foot County Road;

Thence North 25° West, along and with the centerline of said road, a distance of 1320.0 feet to a point for corner;

Thence South 65° West, at 25.0 feet passing the Southeast corner of said Lot 259, and along and with the South line of said Lot 259, a distance of 335.0 feet to the Southwest corner of said Lot 259;

Thence North 25° West, along and with the West line of said Lots 259 and 260, a distance of 2640.0 feet to the Southeast corner of said Lot 264;

Thence South 65° West, along and with the South line of said Lot 264, at 330.0 feet passing its Southwest corner, a total distance of 355.0 feet to a point for corner in the centerline of a 50-foot County Road;

Thence South 25° East, along and with the centerline of said road, a distance of 1320.0 feet to a point for a corner;

Thence South 65° West, at 25.0 feet passing the Southeast corner of said Lot 280, and along and with the South line of said Lot 280, a total distance of 355.0 feet to the Southwest corner of said Lot 280;

Thence North 25° West, along and with the West line of said Lot 280, a distance of 1792.13 feet to a point for corner on the Northerly shore of Oxen Bayou;

Thence Northerly and Easterly, along and with the meanders of the waters edge of said Oxen Bayou, as follows:

North 65° 40' West, a distance of 579.0 feet;

North 72° 55' West a distance of 510.0 feet;

North 69° East, a distance of 390.0 feet;

North 35° East, a distance of 490.0 feet;

North 64° East, a distance of 370.0 feet to the Northeast corner of said Lot 280;

Thence North 25° West, along and with the West line of a 50-foot County Road, and across Gangs Bayou, a distance of 160.0 feet to a point for corner on North shore of said Gangs Bayou;

Thence Westerly and Easterly, along and with the meanders of Gangs Bayou, Oxen Bayou and Galveston West Bay, as follows:

South 60° West, a distance of 421.45 feet,

South 33° 20' West, a distance of 610.0 feet,

South 81° 40' West, a distance of 455.0 feet,

South 65° 45' West, a distance of 400.0 feet,

South 52° West, a distance of 320.0 feet,

South 66° 20' West, a distance of 645.0 feet,

North 23° 40' West, a distance of 110.0 feet,

North 53° 50' East, a distance of 455.0 feet,

North 24° 05' East, a distance of 520.0 feet,

South 62° 20' East, a distance of 250.0 feet,

North 10° East, a distance of 220.0 feet,

North 51° 35' East, a distance of 380.0 feet,

South 19° 15' East, a distance of 160.0 feet,

North 68° 15' East, a distance of 520.0 feet.

North 54° 50' East, a distance of 410.0 feet,

North 59° 45' East, a distance of 350.0 feet, and

North 65° East, a distance of 710.0 feet to a point for corner in the centerline of a 50-foot road which lies East of an adjoining said Lot 262;

Thence South 25° East, along and with the centerline of said road, a distance of 58.50 feet to a point for corner;

Thence North 63° East, along and with the South line of a road, a distance of 685.4 feet to a point for corner;

Thence North 48° East, continuing along the South line of said road, a distance of 397.36 feet to a point for corner in the East line of said Lot 223;

Thence South 25° East, along and with the East line of said Lot 223, a distance of 1261.6 feet to the Southeast corner of said Lot 223;

Thence North 65° East, a distance of 1065.0 feet to a point for corner in the centerline of a 50-foot county road lying East of and adjoining said Lot 197;

Thence South 25° East, along and with the centerline of said road, a distance of 1320.0 feet to a point for corner;

Thence South 65° West, at 25.0 feet passing the Southeast corner of said Lot 197, and along and with the South line of said Lots 197, 202 and 219, a distance of 1065.0 feet to the Southwest corner of said Lot 219;

Thence South 25° East, along and with the East line of said Lot 225, a distance of 1320.0 feet to its Southeast corner;

Thence North 65° East, along and with the North line of said Lots 217, 204, 195, 182, 173, 160, 151, 138, 129, 116 and 107, a distance of 3930.0 feet

to a point for corner in the East line of a 50-foot road lying East of and adjoining said Lot 107;

Thence South 25° East, along and with the East line of said road, a distance of 3960.0 feet to the Northwest corner of said Lot 98;

Thence North 65° East, along and with the North line of said Lots 98, 83, 78 and 63, a distance of 1420.0 feet to a point for corner in the East line of a 50-foot County Road lying East of and Adjoining said Lot 63;

Thence South 25° East, a distance of 1320.0 feet to a point for corner;

Thence South 65° West, along and with the South line of said Lots 63, 78, 83, and 98, a distance of 2130.0 feet to the place of beginning.

Sec. 2. It is expressly determined, and the Legislature hereby finds that the boundaries of said District form a closure, and if any mistake is made in copying the field notes in the legislative process, or otherwise a mistake is found to have occurred in the field notes, it shall in no way or manner affect the organization, existence or validity of said District, or its right to issue bonds or refunding bonds, or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Sec. 3. The District shall have and exercise, and is hereby vested with, all of the rights, powers, privileges and duties conferred and imposed by the General Laws of the State of Texas now in force or hereafter enacted, applicable to water control and improvement districts created under authority of Section 59 of Article XVI, Constitution of Texas, but to the extent that the provisions of such General Laws may be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such General Laws are hereby incorporated by reference with the same effect as if incorporated in full in this Act. Without in any way limiting the generalization of the foregoing, it is expressly provided the District shall have and exercise, and is hereby vested with, all of the rights, powers, privileges and duties conferred and imposed by Chapter 3A of Title 128, Revised Civil Statutes of Texas, 1925, together with all amendments thereto and additions

thereto, including all powers and authority relating to the navigation of its coastal and inland waters and the reclamation and drainage of overflowed lands and other lands needing drainage in said District, and including all power and authority relating to sanitary sewer systems and the issuance of bonds therefor as authorized by and provided in said Chapter, including the power and authority to issue tax bonds, revenue bonds or tax-revenue bonds as authorized by and provided in Article 7880-90a, Vernon's Texas Civil Statutes, as amended. Said District shall have the power to make, construct, or otherwise acquire improvements (whether previously existing or to be made, constructed or acquired) either within or without the boundaries thereof necessary to carry out the powers and authority granted by this Act and said General Laws; provided, however, that the exercise of the power of eminent domain shall not extend beyond the boundaries of the District. The powers of its Board of Directors shall include, but not be limited to, the right to enter into contracts on behalf of said District for the purchase and sale, or either, of water for such periods of time, not exceeding forty (40) years, and on such terms and conditions as its Board of Directors may deem desirable. In the event that the District in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, re-routing or changing the grade of, or altering the construction of, any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary relocation, raising, re-routing, changing of grade or alteration of construction shall be accomplished at the sole expense of the District. The term "sole expense" shall mean the actual cost of such relocation, raising, lowering, re-routing, or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities after deducting therefrom the net salvage value derived from the old facility.

Sec. 4. The management and control of the District is hereby vested in a Board of five (5) directors which shall have all of the powers and au-

thority and duties conferred and imposed upon boards of directors of water control and improvement districts organized under the provisions of Chapter 3A of Title 128, Revised Civil Statutes of Texas, 1925, together with all amendments thereof and additions thereto. The members of the first Board of Directors shall be appointed, as soon as practicable after this Act becomes effective, by the County Judge of Galveston County, Texas, and said first Board of Directors shall meet and organize as soon as practicable after their appointment and shall file their official bonds. If any of the aforementioned members of said first Board of Directors shall die, become incapacitated or otherwise not qualify to assume their duties under this Act, the remaining members of said Board of Directors shall appoint his or their successors. With the exception of said first Board of Directors, the Board of Directors shall be selected as provided by the General Laws for water control and improvement districts. The first election of Directors of such District shall be held on the second Tuesday in January, 1967, and in accordance with Article 7880-37, Revised Civil Statutes of Texas, 1925. Thereafter, Directors of the District shall be chosen, and elections for Directors shall be held in accordance with the provisions of the General Laws relating to water control and improvement districts.

Sec. 5. Land may be excluded from said district, or added to said district, in the manner now provided by Chapter 3A, Title 128, Revised Civil Statutes of Texas, 1925, as amended. Land may also be added to the district by written request of an other land-owner or other land-owners when approved by the Board of Directors of the District. Said district may be dissolved by its board of directors in accordance with the provisions of Section 77b, Chapter 25, General Laws, Acts of the 39th Legislature, Regular Session, 1925 (Article 7880-77b, Vernon's Civil Statutes).

Sec. 6. The bonds of the District shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, and for the sinking funds of

cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their value, then accompanied by all unmatured coupons appurtenant thereto. Said bonds may be in the denomination of \$1,000 or in multiples thereof, and until such time as the bond proceeds are needed to carry out the bond purpose, such proceeds may be invested in direct obligations of the United States of America or may be placed on time deposit, either or both.

Section 7. It is hereby found and determined that all of the lands and other property included within the District are, and will be, benefited by the creation of the District and by the improvements that the District will purchase, construct, or otherwise acquire, and that the District is created to serve a public use and benefit.

It shall not be necessary for the Board of Directors to call or hold a hearing on the exclusion of land or other property from the District; provided, however, that the Board of Directors shall hold such hearing upon the written request of any land or other property owner within the District filed with the Secretary of the Board prior to the calling of the first bond election for the District. Nothing in this section shall be construed to prevent the Board on its own motion from calling and holding an exclusion hearing or hearings pursuant to the provisions of the general law. Upon the adoption of this Act, said District shall be a fully created and established water control and improvement district. The ad valorem basis or plan of taxation shall be used by said District, and it shall not be necessary for the Board of Directors to hold a hearing on the adoption of a plan of taxation.

Section 8. As soon as practicable after the election and qualification of the first Board of Directors of said District, said Board shall by resolution designate one or more banks

within or without the District to serve as the District's depository, and all funds of said District shall be secured in the manner now provided for the security of County funds. Such bank or banks shall serve for a period of two (2) years and until a successor has been selected.

Sec. 9. The Legislature hereby exercises the authority conferred upon it by Section 59 of Article XVI, Constitution of Texas, and declares that the District created by this Act is essential to the accomplishment of the purposes of said Constitutional provisions; finds that all of the land and other property included therein are, and will be, benefited thereby and by the improvements that the District will purchase, construct, or otherwise acquire; and declares the District to be a governmental agency, a body politic and corporate and a municipal corporation.

Sec. 10. It is determined and found that a proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published at least 30 days and not more than 90 days prior to the introduction of this Act in the Legislature of Texas, in a newspaper having general circulation in Galveston County, Texas; that a copy of such notice and a copy of this Act have been delivered to the Governor of Texas who has submitted such notice and Act to the Texas Water Commission, and said Texas Water Commission has filed its recommendation as to such Act with the Governor, Lieutenant Governor and Speaker of the House of Representatives of Texas within 30 days from the date such notice and Act were received by the Texas Water Commission; and that all the requirements and provisions of Section 59(d), Article XVI, the Constitution of the State of Texas, have been fulfilled and accomplished as therein provided.

Sec. 11. If any Section, Subsection, paragraph, sentence, clause or provision of this Act is declared unconstitutional or invalid, it shall not affect the constitutionality or the validity of the remainder thereof, and it is hereby declared that this Act would nevertheless have been passed without such Section, Subsection, paragraph, sentence, clause or provision so declared unconstitutional, and to

that end the provisions of this Act are hereby declared to be severable.

Sec. 12. The fact that the creation of such district will result in material benefit to the State of Texas and to the land and other property included in said district and will promote effectively the conservation of water of the State of Texas, creates an emergency and an imperative public necessity requiring that the Constitutional Rule that bills be read on three several days in each House be suspended; and the Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The House amendment was read.

Senator Schwartz moved that the Senate do not concur in the House amendment, but that a Conference Committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following conferees on the part of the Senate on the bill; Senators Schwartz, Bates, Rogers, Spears and Blanchard.

#### **Conference Committee on House Joint Resolution 48 Discharged**

On motion of Senator Dies and by unanimous consent the Conference Committee appointed to adjust the differences between the two Houses on H. J. R. No. 48 was discharged.

#### **Senate Resolution 832**

Senator Strong offered the following resolution:

Whereas, Woodlawn in Harrison County was named the top community in Texas in a statewide community improvement program sponsored by the Texas A & M University Extension Service; and

Whereas, the Woodlawn Community was chosen from the 264 cities and towns, encompassing about 20,000 families, that were involved in the improvement program, and received a cash award of \$550 and a silver tray for its outstanding accomplishments; and

Whereas, the communities are judged on progress made during the preceding 12 months, and directors of the community improvement program

voiced praise for the improvements in community participation in social, religious, and recreational activities, for the new library, and for the progress made in bringing about more activities for the youth of the Woodlawn community; and

Whereas, Woodlawn had been working for the last three years on an improvement program, and the cash award received will be a great help in putting into effect its 10-year master plan including expansion of community center facilities, and construction of a baseball diamond, gymnasium-auditorium building, and swimming pool; and

Whereas, this recognition for their dedicated work to improve their homes and lives is a much deserved reward for the citizens of Woodlawn who have worked many long hours for their future and the future of their community; and

Whereas, The officers of the Woodlawn Community Improvement Club, Don L. Warbritton, Jr., president; A. E. Hudson, first vice president; John Scasta, second vice president; Mrs. Otis Taylor, secretary; L. D. Warbritton, Sr., treasurer; Mrs. H. L. Mapps, corresponding secretary; and G. C. Ives, John Corpier, Troy Long, Perry Wood, and G. H. Sanders, trustees, did an outstanding job and have earned the praise of all of the citizens of Texas; and

Whereas, The Legislature takes great pride in the accomplishments of these citizens who are directing their energies and abilities toward the very worthy task of improving their lives and the futures of their children and by their actions are setting an example for all Texans to strive toward; now, therefore, be it

Resolved, That the Senate of Texas does hereby extend its warmest congratulations to the community and citizens of Woodlawn of Harrison County, Texas, for this superb accomplishment in contributing to the betterment and welfare of the entire State of Texas.

The resolution was read and was adopted.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 185, Suspending the Joint Rules to consider House Bill No. 196.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk House of Representatives

#### House Concurrent Resolution 185 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 185, Suspending Joint Rules to consider H. B. No. 196 at anytime.

The resolution was read.

Senator Reagan asked unanimous consent to consider the resolution immediately.

There was objection.

Senator Reagan then moved that H. C. R. No. 185 be considered immediately.

The motion prevailed by the following vote:

#### Yeas—21

Aikin	Krueger
Bates	Parkhouse
Blanchard	Ratliff
Calhoun	Reagan
Creighton	Richter
Dies	Rogers
Hardeman	Schwartz
Hazlewood	Snelson
Hightower	Spears
Kazen	Word
Kennard	

#### Nays—6

Colson	Patman
Herring	Strong
Moore	Watson

#### Absent

Cole	Hall
Crump	Harrington

The resolution was then adopted.

#### Record of Votes

Senators Patman, Moore, Kennard, Watson and Colson asked to be re-



corded as voting "Nay" on the adoption of the above resolution.

### Conference Committee Report on House Bill 97

The President laid before the Senate the Conference Committee Report on H. B. No. 97.

Question — Shall the Conference Committee report on H. B. No. 97 be adopted?

Senator Rogers moved the previous question on the adoption of the Conference Committee Report on H. B. No. 97 and the motion was duly seconded.

Question—Shall the previous question now be ordered?

The previous question failed to be ordered by the following vote:

#### Yeas—13

Aikin	Richter
Bates	Rogers
Harrington	Schwartz
Herring	Spears
Hightower	Strong
Kennard	Watson
Patman	

#### Nays—15

Blanchard	Krueger
Calhoun	Moore
Colson	Parkhouse
Creighton	Ratliff
Crump	Reagan
Dies	Snelson
Hardeman	Word
Hazlewood	

#### Absent

Cole	Kazen
Hall	

Question—Shall the Conference Committee Report on H. B. No. 97 be adopted?

### House Bill 196 on Second Reading

Senator Reagan asked unanimous consent to suspend the regular order of business and take up H. B. No. 196 for consideration at this time.

There was objection.

Senator Reagan then moved to suspend the regular order of business and take up H. B. No. 196 for consideration at this time.

The motion prevailed by the following vote:

#### Yeas—19

Aikin	Kazen
Bates	Krueger
Blanchard	Parkhouse
Calloun	Reagan
Cole	Richter
Creighton	Rogers
Dies	Schwartz
Hall	Spears
Hazlewood	Word
Hightower	

#### Nays—9

Crump	Patman
Hardeman	Snelson
Herring	Strong
Kennard	Watson
Moore	

#### Absent

Colson	Ratliff
Harrington	

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 196, A bill to be entitled "An Act amending Article 5071 of the Revised Civil Statutes of Texas 1925, relating to rates of interest allowed in certain written agreements; prohibiting the plea or defense of usury in certain instances; providing exemptions; and declaring an emergency."

The bill was read the second time.

Question—Shall H. B. No. 196 be passed to third reading?

### Executive Session

On motion of Senator Krueger and by unanimous consent the Senate agreed to hold an Executive Session at 11:30 o'clock a.m. today.

Accordingly, the President directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations of the Governor:

To be a member of the State Board

of Registration for Professional Engineers: Colonel Thomas S. Green of Austin, Travis County.

To be Judge of Domestic Relations Court No. Two of Tarrant County: Scott D. Moore of Fort Worth, Tarrant County.

#### In Legislative Session

The President called the Senate to order as In Legislative Session at 12:05 o'clock p.m. today.

#### Senate Resolution 835

Senator Hardeman by unanimous consent offered the following resolution:

Resolved, by the Senate of Texas, That a committee of one be selected to work with the Contingent Expense Committee in arranging, lighting, and placing information cards on or in connection with portraits belonging to the Senate.

The resolution was read and was adopted.

The President announced the appointment of the following in accordance with provisions of S. R. No. 835: Senator Hardeman.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 58, The Senate of Texas, the House of Representatives concurring, resolves to continue the Election Law Study Committee, which Committee shall begin its work upon the adjournment of the Regular Session of the 59th Legislature and report to the 60th Legislature.

Motion to suspend all rules to reconsider vote by which House concurred in Senate Amendments to H. B. No. 154 prevailed.

The House refused to concur in Senate amendments to House Bill No. 154 and has requested the appointment of a Conference Committee to consider the differences between the

two Houses: Treager, Haines of Brazos, Fondren, Schiller, Markgraf.

The House has granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 564; Harris, Nugent of Kerr, Caldwell, Johnson of Harris, Harrison.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk House of Representatives

#### Senate Resolution 837

Senator Hightower by unanimous consent offered the following resolution:

Whereas, June 9, 1965, denotes the half-century mark of wedded bliss for one who serves the Senate of the State of Texas in a faithful and dedicated manner; and

Whereas, This citizen, the Reverend William Hays Townsend, was born in Camp County, Texas, and graduated from Baylor University in 1919, thereafter serving as pastor of Baptist churches in Texas for a period of thirty-eight years; and

Whereas, Reverend Townsend retired from the ministry in 1949, and came to the Senate of Texas in 1951 to serve as its Chaplain where he still ably sets the mood of each legislative day with his beautiful and sincere prayers; and

Whereas, Reverend Townsend chose as his life's companion Miss Zilpha Odell Miller, a native of Alabama, their marriage being consummated on June 9, 1915, in Pickton, Hopkins County, Texas; and

Whereas, It is the desire of the Senate to extend its good wishes and congratulations to this fine couple on their Fiftieth Wedding Anniversary; now, therefore, be it

Resolved, By the Senate of Texas that it does hereby congratulate Reverend and Mrs. Townsend on their Golden Wedding Anniversary and wish for them many more years of happiness and contentment in their married life; and be it further

Resolved, That they be furnished a copy of this Resolution, under the Seal of the Senate.

#### HIGHTOWER

Signed—Lieutenant Governor Preston Smith, Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Hardeman, Har-

rington, Hazlewood, Herring, Kazen, Kennard, Krueger, Moore, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Herring and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted.

#### House Bill 196 on Second Reading

The Senate resumed the consideration of the pending business, same being H. B. No. 196 on its second reading (the bill having been read the second time today).

Question—Shall H. B. No. 196 be passed to third reading?

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 173, Suspending the Joint Rules to consider Senate Bill No. 439.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk House of Representatives

#### House Concurrent Resolution 173 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 173, Suspending Joint Rules to consider S. B. No. 439 at anytime.

The resolution was read.

On motion of Senator Strong and by unanimous consent the resolution was considered immediately and was adopted.

#### Record of Vote

Senator Ratliff asked to be record-

ed as voting "Nay" on the adoption of the above resolution.

#### Bills and Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled bills and resolutions:

H. C. R. No. 142, Creating Committee on State and Local Tax Policy, etc.

H. C. R. No. 143, Congratulating Donald Addison Lee.

H. C. R. No. 40, Providing for the Texas Legislative Council to study the methods which could be utilized to guarantee an accused the right to competent and adequate counsel, with particular emphasis placed upon a study of the Criminal Justice Act of 1964.

H. C. R. No. 180, Providing that H. B. No. 1186 be immediately effective.

H. C. R. No. 154, In memory of Mrs. Stella Odell McCaskill.

H. C. R. No. 182, Directing the Enrolling Clerk of the Senate to make certain corrections on the Conference Committee Report of S. B. No. 107.

H. B. No. 1186, A bill to be entitled "An Act constituting a local law for the maintenance of the public roads and highways in El Paso County, etc., and declaring an emergency."

H. B. No. 140, A bill to be entitled "An Act to amend House Bill 374, Acts of the 54th Legislature, Regular Session, 1955, Chapter 427, as amended, codified as Article 3883i, Vernon's Civil Statutes, so as to authorize the Commissioners Court in each county in the State of Texas to increase the maximum compensation of each officer enumerated in House Bill 374, in an additional amount not to exceed thirty per cent (30%) of the maximum sum authorized by House Bill 374, as amended; providing further that the compensation of no official governed by the provisions of House Bill 374, as amended, shall be set at a figure lower than that actually paid on the effective date of this Act; and declaring an emergency."

H. B. No. 1014, A bill to be entitled "An Act amending Articles 879h-1,

879h-2, 879h-3, 879h-4, and 879h-5 of the Penal Code of Texas as added by Section 1, Chapter 189, 56th Legislature, 1959, by authorizing the taking of wild antlerless deer during archery season; by including wild antlerless deer in the list of wild game in said Articles regulating archery-methods and length of season; by defining 'deer' to include wild antlerless deer; by changing the title Game and Fish Commission to Parks and Wildlife Commission; by adding Article 879h-6 regulating deer license, tags and permits; repealing all laws in conflict; declaring an emergency."

H. B. No. 474, A bill to be entitled "An Act relating to taxation of cigarettes; amending Sections (13) and (15), Article 7.01, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, and Article 7.09 and 7.21 Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, repealing Article 7.07, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 1183, A bill to be entitled "An Act transferring the sums of Thirty-five Hundred Dollars (\$3500) and Fifteen Hundred Dollars (\$1500) from Item 6 set out in the appropriation to the State Securities Board for the year ending August 31, 1965, as set out in House Bill No. 86, enacted by the Regular Session of the 58th Legislature to Item 7 and Item 5 respectively; authorizing two additional classified positions for the State Securities Board; and declaring an emergency."

(Signed, subject to provisions of Section 49A of Article III of the Constitution of the State of Texas.)

H. B. No. 1167, A bill to be entitled "An Act making an appropriation for a new state mental hospital and research institute; making an appropriation to the University of Houston for a science and research building; and declaring an emergency."

(Signed, subject to provisions of Section 49A of Article III of the Constitution of the State of Texas.)

H. B. No. 1111, A bill to be entitled "An Act relating to the creation of Nixon Hospital District of Gonzales, Karnes, and Wilson Counties, Texas, by authority of Section 9, Article IX,

Constitution of the State of Texas; and declaring an emergency."

H. B. No. 1139, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Treasure Island Municipal Utility District of Brazoria County, Texas,' etc., and declaring an emergency."

H. B. No. 790, A bill to be entitled "An Act creating the County Court at Law of Orange County; providing for its jurisdiction, terms, personnel, administration, and practice; and declaring an emergency."

H. B. No. 918, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of Texas, to be known as 'Flamingo Isles Municipal Utility District of Galveston County, Texas,' and declaring an emergency."

H. B. No. 1104, A bill to be entitled "An Act amending Sections 1, 2 and 3 of Chapter 195, Acts of the 53rd Legislature of Texas, Regular Session, 1953, as amended by Chapter 291, Acts of the 55th Legislature of Texas, Regular Session, 1957, relating to The Calhoun County Navigation District; amending said Act to provide a method of election of Navigation Commissioners; etc., and declaring an emergency."

H. B. No. 1081, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of the State of Texas, to be known as 'Gulf Freeway Municipal Utility District of Galveston County, Texas'; prescribing its rights, etc., and declaring an emergency."

H. B. No. 1118, A bill to be entitled "An Act authorizing creation of Childress County Hospital District; providing that the District shall assume the outstanding debt of Childress County incurred for hospital purposes and any outstanding debt incurred by any city or town within said County for such purpose; etc., and declaring an emergency."

H. B. No. 379, A bill to be entitled "An Act relating to the enforcement of certain arbitration agreements; amending and revising Part 1, Title

10, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 1162, A bill to be entitled "An Act abolishing the office of county superintendent and transferring duties to County Judge, etc., and declaring an emergency."

H. B. No. 397, A bill to be entitled "An Act relating to the creation, administration, powers and duties and financing of the Muenster Hospital District in Cooke County, etc., and declaring an emergency."

H. B. No. 225, A bill to be entitled "An Act regulating withdrawal of underground water for use in another state by drilling a well in Texas; requiring a permit; containing a severability clause and declaring an emergency."

H. J. R. No. 69, Proposing an amendment to the Constitution of the State of Texas by adding a new section, Section 63 to Article III; authorizing the Legislature to provide by statute for the accomplishment of governmental functions within any county having one million two hundred thousand (1,200,000) or more inhabitants by the consolidation of the functions of government or by contact between any political subdivision(s) located within the county and any other political subdivision(s) located within the county or with the county; providing for an election and the issuance of a proclamation therefor.

H. J. R. No. 57, Proposing an amendment to Section 1-a of Article V of the Constitution of the State of Texas, by adding to said Section as presently written, the following provisions; requiring automatic retirement of certain District and Appellate Judges at age seventy-five (75) or such earlier age, not under seventy (70), as may be provided by law; creating a State Judicial Qualifications Commission and providing for its composition and the qualifications, methods of selection and terms of office of its members; etc., and declaring an emergency."

H. J. R. No. 48, Proposing an amendment to Article IX of the Constitution of the State of Texas, by adding a new section to be known as Section 9-a authorizing elections for the abolition of any hospital district

created pursuant to Section 9 of Article IX of the Constitution of the State of Texas; providing for the assessment and collection of taxes for the payment of all outstanding bonds and other indebtedness of such districts at the time of abolition; providing for the disposition of property and facilities owned by such districts at the time of abolition; providing other terms and conditions for accomplishing the purposes of this Amendment.

H. J. R. No. 37, Proposing an amendment to Article III, Section 51, of the Constitution of the State of Texas by adding thereto a new subsection, Section 51-D, so as to provide for the payment of assistance by the State of Texas to the surviving spouse and minor children of law enforcement officers who suffer violent death in the course of the performance of their duties as a law enforcement officer; providing for the necessary election, form of ballot, proclamation and publication.

#### Recess

Senator Strong moved that the Senate take recess until 3:30 o'clock p.m. today.

Senator Rogers moved that the Senate stand adjourned until 3:30 o'clock p.m. today.

Question first on the motion to stand adjourned until 3:30 o'clock p.m. today, the motion was lost.

Question next on the motion to take recess until 3:30 o'clock p.m. today, the motion prevailed.

Accordingly, the Senate at 12:20 o'clock p.m. took recess until 3:30 o'clock p.m. today.

#### After Recess

The President called the Senate to order at 3:30 o'clock p.m. today.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 195, Inviting Gov. John Connally to address a Joint Session of the House and Senate in the Hall of the House of Representatives at 4:00 p.m. today, May 31, 1965.

H. C. R. No. 193, Resolved by the House of Representatives, the Senate concurring, that the Regular Session of the Fifty-ninth Legislature of Texas do adjourn sine die at 5:00 p.m. on May 31, 1965.

H. C. R. No. 188, Instructing Enrolling Clerk of the House to make certain corrections in enrolled copy of House Bill No. 1015.

H. C. R. No. 176, Expressing gratitude to all the staff of the Texas Legislative Service.

H. C. R. No. 194, Suspend Joint Rules to allow either House to take up and consider at any time H. J. R. 24.

The House has adopted the Conference Committee Report on Senate Bill No. 564 by a vote of 129 ayes, 1 noe.

The House has concurred in Senate amendments to House Bill No. 823 by a non-record vote.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk House of Representatives

**House Concurrent Resolution 195 on  
Second Reading**

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 195, Inviting Governor Connally to address a Joint Session of the Legislature at 4:00 p.m. today, May 31, 1965.

The resolution was read and was adopted.

**Conference Committee on  
House Bill 154**

Senator Richter called from the President's Table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 154 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following as a Conference Committee on the part of the Senate on H. B. No. 154: Senators Richter, Kazen, Rogers, Reagan and Hightower.

**House Concurrent Resolution 194 on  
Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 194, Suspending the Joint Rules to take up at any time H. J. R. No. 24.

The resolution was read.

On motion of Senator Herring and by unanimous consent the resolution was considered immediately and was adopted.

**Conference Committee Report on  
Senate Bill 564**

Senator Schwartz submitted the following Conference Committee Report on Senate Bill 564:

Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of The House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 564 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

SCHWARTZ  
BATES  
ROGERS  
SPEARS  
BLANCHARD

On the part of the Senate

HARRIS  
NEUGENT  
CALDWELL  
JOHNSON  
HARRISON

On the part of the House

S. B. No. 564,

## A BILL

## To Be Entitled

An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Harbor Improvement District"; declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure, and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit; conferring on District the rights, powers, privileges, authority and duties of the General Laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for no election for confirmation; providing for no hearing for exclusions; providing for no hearing on plan of taxation and adopting ad valorem plan of taxation for the District; providing for governing body of District; providing for qualifications and bonds of Directors; naming first Board of Directors; providing for terms and election of Directors and notice of Directors elections, and related matters; providing for Directors to fill vacancies; providing for organization of Board of Directors; providing for a secretary pro tem; providing for employment of engineers, auditors, attorneys, and other employees; providing for approval of District's plans and specifications by the Texas Water Commission and inspection during construction by said Commission; providing for bonds and refunding bonds to be approved by the Attorney General of Texas and registered by the Comptroller of Public Accounts of Texas and providing for negotiability, legality, validity, obligation, incontestability, of the bonds and refunding bonds; providing the power of eminent domain shall be limited to Galveston County; providing the District shall bear expenses of relocating, raising or re-routing of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the

power of eminent domain; providing that the Municipal Annexation Act shall have no application to this District; determining and finding the requirements of Article 16, Section 59 (d) as to notice of intention to introduce this Act have been fulfilled and accomplished; providing for the selection of a depository or depositories for the District, and related matters; providing that Article 7880-75b shall be applicable to this District but requiring additional requisites prior to annexation of territory, and related matters; providing additional powers of District within and without boundaries of District but limited to Galveston County; providing for the sale of bonds of the District and the exchange of bonds for property and for the minimum price of bonds at such sale or exchange; providing that Article 7880-77b shall not be applicable to this District, and related matters; providing that notice of all elections shall be under hand of president or secretary; providing for canvassing election returns; providing the bonds of this District and their transfer and income therefrom and profits thereon and purchases made by District shall be tax-free in this State; providing the bonds and refunding bonds of this District shall be eligible investments; enacting other provisions related to the aforementioned subjects; providing for a severability clause and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Under and pursuant to the provision of Section 59 of Article XVI, Constitution of Texas, a conservation and reclamation district is hereby created and incorporated in Galveston County, Texas, to be known as "Harbor Improvement District of Galveston County, Texas", hereinafter referred to as the "District", and the boundaries of said District shall be as follows:

All of lots 63, 78, 83, 98, 104, 119, 105, 118, 106, 117, 107, 116, 129, 138, 151, 160, 173, 182, 195, 204, 217, 226, 238, 247, 239, 246, 259, 225, 240, 245, 260, 202, 197, 219, 224, 241, 244, 261, 264, 280, 281, 262, and 263, and part of lots 223, 242 and 243, and part of the intervening and adjoining 50-foot

County Roads, all in Section Two of the Trimble and Lindsey Survey of Galveston Island, in Galveston County, Texas, more fully described by metes and bounds as follows;

Beginning at the Southwest corner of said Lot 119 and in the East line of a 50-foot County Road;

Thence South 65° West, across said County Road, a distance of 50.0 feet to a point for corner in the West Line of said road;

Thence North 25° West, along and with the West Line of said road, a distance of 3960.0 feet to the Southeast corner of said lot 129;

Thence South 65° West, along and with the South line of said Lots, 129, 138, 151, 160, 173, 182, 195, 204, 217 and 226, a distance of 3525.0 feet to a point for corner in the centerline of a 50-foot County Road;

Thence South 25° East, along and with the centerline of said 50-foot road, a distance of 1320.0 feet to a point for corner;

Thence South 65° West, across said road and along and with the South line of said Lots 238 and 247, a distance of 710.0 feet to a point for corner in the centerline of a 50-foot County Road;

Thence North 25° West, along and with the centerline of said road, a distance of 1320.0 feet to a point for corner;

Thence South 65° West, at 25.0 feet passing the Southeast corner of said Lot 259, and along and with the the South line of said Lot 259, a distance of 355.0 feet to the Southwest corner of said Lot 259;

Thence North 25° West, along and with the West line of said Lots 259 and 260, a distance of 2640.0 feet to the Southeast corner of said Lot 264;

Thence South 65° West, along and with the South line of said Lot 264, at 330.0 feet passing its Southwest corner, a total distance of 355.0 feet to a point for corner in the centerline of a 50-foot County Road;

Thence South 25° East, along and with the centerline of said road, a distance of 1320.0 feet to a point for corner;

Thence South 65° West, at 25.0 feet passing the Southeast corner of said Lot 280, and along and with the South line of said Lot 280, a total distance of 355.0 feet to the Southwest corner of said Lot 280;

Thence North 25° West, along and with the West Line of said Lot 280, a distance of 1792.13 feet to a point for corner on the Northerly shore of Oxen Bayou;

Thence Northerly and Easterly, along and with the meanders of the waters edge of said Oxen Bayou, as follows:

North 65° 40' West, a distance of 579.0 feet;

North 72° 55' West, a distance of 510.0 feet;

North 69° East, a distance of 390.0 feet;

North 35° East, a distance of 490.0 feet;

North 32° 30' West, a distance of 620.0 feet;

North 64° East, a distance of 370.0 feet to the Northeast corner of said Lot 280;

Thence North 25° West, along and with the West line of a 50-foot County Road, and across Gangs Bayou, a distance of 160.0 feet to a point for corner on the North shore of said Gangs Bayou;

Thence Westerly and Easterly, along and with the meanders of Gangs Bayou, Oxen Bayou and Galveston West Bay, as follows:

South 60° West, a distance of 421.45 feet,

South 33° 20' West, a distance of 610.0 feet,

South 81° 40' West, a distance of 455.0 feet,

South 65° 45' West, a distance of 400.0 feet,

South 52° West, a distance of 320.0 feet,

South 66° 20' West, a distance of 645.0 feet,

North 23° 40' West, a distance of 110.0 feet,

North 53° 50' East, a distance of 455.0 feet,

North 24° 05' East, a distance of 520.0 feet,

South 62° 20' East, a distance of 250.0 feet,

North 10° East, a distance of 220.0 feet,

North 51° 35' East, a distance of 380.0 feet,

South 19° 15' East, a distance of 160.0 feet,

North 68° 15' East, a distance of 520.0 feet,

North 54° 50' East, a distance of 410.0 feet,



North 59° 45' East, a distance of 350.0 feet, and

North 65° East, a distance of 710.0 feet to a point for corner in the centerline of a 50-foot road which lies East of and adjoining said Lot 262;

Thence South 25° East, along and with the centerline of said road, a distance of 58.50 feet to a point for corner;

Thence North 63° East, along and with the South line of a road, a distance of 685.4 feet to a point for corner;

Thence North 48° East, continuing along the South line of said road, a distance of 397.36 feet to a point for corner in the East line of said Lot 223;

Thence South 25° East, along and with the East line of said Lot 223, a distance of 1261.6 feet to the Southeast corner of said Lot 223;

Thence North 65° East, a distance of 1065.0 feet to a point for corner in the centerline of a 50-foot county road lying East of and adjoining said Lot 197;

Thence South 25° East, along and with the centerline of said road, a distance of 1320.0 feet to a point for corner;

Thence South 65° West, at 25.0 feet passing the Southeast corner of said Lot 197, and along and with the South line of said Lots 197, 202, and 219, a distance of 1065.0 feet to the Southwest corner of said Lot 219;

Thence South 25° East, along and with the East line of said Lot 225, a distance of 1320.0 feet to its Southeast corner;

Thence North 65° East, along and with the North line of said Lots 217, 204, 195, 182, 173, 160, 151, 138, 129, 116 and 107, a distance of 3930.0 feet to a point for corner in the East line of a 50-foot road lying East of and adjoining said Lot 107;

Thence South 25° East, along and with the East line of said road, a distance of 3960.0 feet to the Northwest corner of said Lot 98;

Thence North 65° East, along and with the North line of said Lots 98, 83, 78 and 63, a distance of 1420.0 feet to a point for corner in the East line of a 50-foot County Road lying East of and Adjoining said Lot 63;

Thence South 25° East, a distance of 1320.0 feet to a point for corner;

Thence South 65° West, along and with the South line of said Lots 63,

78, 83 and 98, a distance of 2130.0 feet to the place of beginning.

Sec. 2. It is expressly determined, and the Legislature hereby finds that the boundaries of said District form a closure, and if any mistake is made in copying the field notes in the legislative process, or otherwise a mistake is found to have occurred in the field notes, it shall in no way or manner affect the organization, existence or validity of said District, or its right to issue bonds or refunding bonds, or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the District or its governing body.

Sec. 3. The District shall have and exercise, and is hereby vested with, all of the rights, powers, privileges and duties conferred and imposed by the General Laws of the State of Texas now in force or hereafter enacted, applicable to water control and improvement districts created under authority of Section 59 of Article XVI, Constitution of Texas, but to the extent that the provisions of such General Laws may be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such General Laws are hereby incorporated by reference with the same effect as if incorporated in full in this Act. Without in any way limiting the generalization of the foregoing, it is expressly provided the District shall have and exercise, and is hereby vested with, all of the rights, powers, privileges and duties conferred and imposed by Chapter 3A of Title 128, Revised Civil Statutes of Texas, 1925, together with all amendments thereto and additions thereto, including all powers and authority relating to the navigation of its coastal and inland waters and the reclamation and drainage of overflowed lands and other lands needing drainage in said District, and including all power and authority relating to sanitary sewer systems and the issuance of bonds therefor as authorized by and provided in said Chapter, including the power and authority to issue tax bonds, revenue bonds or tax-revenue bonds as authorized by and provided in Article 7880-90a, Vernon's Texas Civil Statutes, as amended. Said District shall have the power to make,

construct, or otherwise acquire improvements (whether previously existing or to be made, constructed or acquired) either within or without the boundaries thereof necessary to carry out the powers and authority granted by this Act and said General Laws; provided, however, that the exercise of the power of eminent domain shall not extend beyond the boundaries of the District. The powers of its Board of Directors shall include, but not be limited to, the right to enter into contracts on behalf of said District for the purchase and sale, or either, of water for such periods of time, not exceeding forty (40) years, and on such terms and conditions as its Board of Directors may deem desirable. In the event that the District in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, re-routing or changing the grade of, or altering the construction of, any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary relocation, raising, re-routing, changing of grade or alteration of construction shall be accomplished at the sole expense of the District. The term "sole expense" shall mean the actual cost of such relocation, raising, lowering, re-routing or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities after deducting therefrom the net salvage value derived from the old facility.

Sec. 4. The management and control of the District is hereby vested in a Board of five (5) directors which shall have all of the powers and authority and duties conferred and imposed upon boards of directors of water control and improvement districts organized under the provisions of Chapter 3A of Title 128, Revised Civil Statutes of Texas, 1925, together with all amendments thereof and additions thereto. The members of the first Board of Directors shall be appointed, as soon as practicable after this Act becomes effective, by the County Judge of Galveston County, Texas, and said first Board of Directors shall meet and organize as soon as practicable after their appointment and shall file their official

bonds. If any of the aforementioned members of said first Board of Directors shall die, become incapacitated or other wise not qualify to assume their duties under this Act, the remaining members of said Board of Directors shall appoint his or their successors. With the exception of said first Board of Directors, the Board of Directors shall be selected as provided by the General Laws for water control and improvement districts. The first election of Directors of such District shall be held on the second Tuesday in January, 1967, and in accordance with Article 7880-37, Revised Civil Statutes of Texas, 1925. Thereafter, Directors of the District shall be chosen, and elections for Directors shall be held in accordance with the provisions of the General Laws relating to water control and improvement districts.

Sec. 5. Land may be excluded from said district, or added to said district, in the manner now provided by Chapter 3A, Title 128, Revised Civil Statutes of Texas, 1925, as amended. Land may also be added to the district by written request of an other land-owner or other land-owners when approved by the Board of Directors of the District. Said district may be dissolved by its board of directors in accordance with the provisions of Section 77b, Chapter 25, General Laws, Acts of the 39th Legislature, Regular Session, 1925 (Article 7880-77b, Vernon's Civil Statutes).

It is the intent of the Legislature that such District shall never be dissolved under Art. 1182c-1, Revised Civil Statutes of Texas, except with the express consent of the Board of Directors, and annexation of the whole or any part of the area of the District by any city, town, or village shall not affect its creations, proceedings, or the validity of any bonds issued or to be issued by such District; but such District may be dissolved only by the express consent of the Board of Directors together with the act of annexation by a city, town or village affecting the whole of the area of the District.

Sec. 6. The bonds of the District shall be and are hereby declared to be legal and authorized investments for banks, savings and loan associations, insurance companies, fiduciaries, trustees, and for the sinking funds of cities, towns, villages, coun-

ties, school districts, and other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their value, then accompanied by all unmatured coupons appurtenant thereto. Said bonds may be in the denomination of \$1,000 or in multiples thereof, and until such time as the bond proceeds are needed to carry out the bond purpose, such proceeds may be invested in direct obligations of the United States of America or may be placed on time deposit, either or both.

Section 7. It is hereby found and determined that all of the lands and other property included within the District are, and will be, benefited by the creation of the District and by the improvements that the District will purchase, construct, or otherwise acquire, and that the District is created to serve a public use and benefit.

It shall not be necessary for the Board of Directors to call or hold a hearing on the exclusion of land or other property from the District; provided, however, that the Board of Directors shall hold such hearing upon the written request of any land or other property owner within the District filed with the Secretary of the Board prior to the calling of the first bond election for the District. Nothing in this section shall be construed to prevent the Board on its own motion from calling and holding an exclusion hearing or hearings pursuant to the provisions of the general law. Upon the adoption of this Act, said District shall be a fully created and established water control and improvement district. The ad valorem basis or plan of taxation shall be used by said District, and it shall not be necessary for the Board of Directors to hold a hearing on the adoption of a plan of taxation.

Sec. 8. As soon as practicable after the election and qualification of the first Board of Directors of said District, said Board shall by resolution designate one or more banks within or without the District to serve as

the District's Depository, and all funds of said District shall be secured in the manner now provided for the security of County funds. Such bank or banks shall serve for a period of two (2) years and until a successor has been selected.

Sec. 9. The Legislature hereby exercises the authority conferred upon it by Section 59 of Article XVI, Constitution of Texas, and declares that the District created by this Act is essential to the accomplishment of the purposes of said Constitutional provisions; finds that all of the land and other property included therein are, and will be, benefited thereby and by the improvements that the District will purchase, construct, or otherwise acquire; and declares the District to be a governmental agency, a body politic and corporate, and a municipal corporation.

Sec. 10. It is determined and found that a proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published at least 30 days and not more than 90 days prior to the introduction of this Act in the Legislature of Texas, in a newspaper having general circulation in Galveston County, Texas; that a copy of such notice and a copy of this Act have been delivered to the Governor of Texas who has submitted such notice and Act to the Texas Water Commission, and said Texas Water Commission has filed its recommendation as to such Act with the Governor, Lieutenant Governor and Speaker of the House of Representatives of Texas within 30 days from the date such notice and Act were received by the Texas Water Commission; and that all the requirements and provisions of Section 59(d), Article XVI, the Constitution of the State of Texas, have been fulfilled and accomplished as therein provided.

Sec. 11. If any Section, Subsection, paragraph, sentence, clause or provision of this Act is declared unconstitutional or invalid, it shall not affect the constitutionality or the validity of the remainder thereof, and it is hereby declared that this Act would nevertheless have been passed without such Section, Subsection, paragraph, sentence, clause or provision so declared unconstitutional, and to that end the provisions

of this Act are hereby declared to be severable.

Sec. 12. The fact that the creation of such district will result in material benefit to the State of Texas and to the land and other property included in said district and will promote effectively the conservation of water of the State of Texas, creates an emergency and an imperative public necessity requiring that the Constitutional Rule that bills be read on three several days in each House be suspended; and the Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted by the following vote:

**Yeas—31**

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crumpp	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

**House Concurrent Resolution 188  
on Second Reading**

The President laid before the Senate on its second reading:

H. C. R. No. 188, Authorizing Enrolling Clerk to make certain corrections in H. B. No. 1015.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 132, Allowing both Houses to take up S. B. No. 233 at any time.

H. C. R. No. 186, Suspending the Joint Rules to permit consideration of Senate Joint Resolution No. 39 at any time.

H. C. R. No. 197, Directing the Senate Enrolling Clerk to make certain corrections in the Conference Committee Report on Senate Bill No. 107.

The House has concurred in Senate amendments to House Bill No. 968 by non-record vote.

Respectfully submitted,

**DOROTHY HALLMAN,**  
Chief Clerk House of Representatives

**House Concurrent Resolution 197 on  
Second Reading**

On motion of Senator Hardeman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

H. C. R. No. 197, Directing Senate Enrolling Clerk to make certain corrections in the Conference Committee Report on S. B. No. 107.

The resolution was read and was adopted.

**Conference Committee Report on  
House Bill 154**

Senator Richter submitted the following Conference Committee Report on H. B. No. 154:

Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 154, have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

**RICHTER  
KAZEN  
REAGAN  
HIGHTOWER**

On the part of the Senate.

TRAEGER  
FONDREN  
HAINES  
MARKGRAF  
SCHILLER

On the part of the House.

H. B. No. 154,

**A BILL**

**To Be Entitled**

An Act permitting a person holding a valid license as an operator to drive certain motor vehicles; amending Subsection 4a, Section 3, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended; and declaring an emergency.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

Section 1. Subsection 4a, Section 3, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as added by Section 1, Chapter 147, Acts of the 52nd Legislature, 1951 (codified as Subsection 4a, Section 3, Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

"4a. A person operating a truck with a manufacturer's rated carrying capacity not to exceed 2,000 pounds, which is intended to include trucks commonly known as pickup trucks, panel delivery trucks, station wagons, and carry-all trucks, who holds an operator's license, shall not be required to obtain a commercial operator's license.

Sec. 2. The importance of this legislation and the crowded condition of the Calendars in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended.

The Conference Committee Report was read and was adopted.

**Conference Committee Report on  
House Bill 332**

Senator Kennard submitted the following Conference Committee Report on H. B. No. 332:

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Commit-

tee appointed to adjust the differences between the House and Senate on House Bill No. 332, have met and adjusted our differences and beg leave to recommend that House Bill No. 332 be passed in the form attached hereto.

Respectfully submitted,

GREEN  
FINNEY  
SHERMAN  
SHANNON

On the part of the House.

KENNARD  
BATES  
SNELSON

On the part of the Senate.

H. B. No. 332,

**A BILL**

**To Be Entitled**

An Act relating to and authorizing a minimum and maximum salary for the official shorthand reporters of the 17th, 48th, 67th, 96th and 153rd Judicial Districts of Texas and of Criminal District Court and Criminal District Court No. 2, all of such Judicial Districts and Courts being in Tarrant County, Texas, providing the time, method and manner of payment; repealing all laws in conflict, providing a saving clause, and declaring an emergency.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:**

Section 1. The Judges of the 17th, 48th, 67th, 96th, and 153rd Judicial Districts and of Criminal District Court and Criminal District Court No. 2, all of such judicial districts and courts being in Tarrant County, Texas, shall each appoint an official shorthand reporter for such court or judicial district, in the manner now provided for appointment of official shorthand reporters in this State. Such appointment shall be evidenced by an order entered on the minutes of each such court. Such appointment when once made shall continue in effect from year to year unless otherwise ordered by the judge of the court in which such reporter serves. The salary compensation of such reporter shall be not less than Eighty-five hundred dollars (\$8,500.00) and not more than Eleven thousand five hundred dollars (\$11,500.00) per annum, and the amount of such salary compensation shall be determined,

fixed, and the payment thereof authorized by the Judge of each such court, within the minimum and maximum amounts herein provided, and such salary compensation shall be paid semi-monthly out of the General Fund, Officers Salary Fund, or out of any fund available for the purpose, as shall be determined by the Commissioners Court of Tarrant County.

Section 2. From and after the passage of this Act, all provisions relating to official shorthand reporters as provided in Art. 2324, R. C. S., amended Acts 1961, 57th Legislature, shall in all respects govern; except the salary compensation to the official shorthand reporters as provided in this Act shall be determined, fixed and the payment thereof authorized by the Judge of each such court, and not otherwise.

Section 3. In any act or statute passed by any previous session of the Legislature of this State wherein the salary compensation of any reporter in any other court than those named in this Act has been fixed by reference to salary compensation of any official shorthand reporter or reporters of courts named in this Act, such reference shall be deemed to apply to and be governed by the statutes in existence at the time of the passage of the Act named in such reference, and the provisions of this Act shall in no way serve to affect, increase, or decrease the salary of any reporter or reporters so fixed by reference in any previous legislative session. The purpose and intent of this Act is to fix and delineate the salary compensation of the official shorthand reporters of the courts herein specifically named and none other.

Section 4. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict only.

Section 5. If any section, sentence, clause, phrase or part of this Act shall for any reason be held to be invalid, such invalidity shall not affect the remainder of this Act.

Section 6. The fact that the present compensation of the official shorthand reporters to serve in the 17th, 48th, 67th, 96th and 153rd District Courts and the Criminal District Court and Criminal District Court No. 2, all in Tarrant County, Texas, is now inadequate for the time spent in the performance of required duties and is inequitable in view of increased living

expenses and prevailing conditions in the area; the crowded condition of the calendar create an emergency and imperative public necessity which requires that the Constitutional provision that bills be read in each House on each of three several days be suspended; such rule is hereby suspended; and that this Act shall become effective from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted.

#### **House Concurrent Resolution 176 on Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 176, Extending gratitude to all the staff of the Texas Legislative Service.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

#### **House Bill 196 on Second Reading**

The Senate resumed the consideration of the pending business, same being H. B. No. 196 on its second reading and passage to third reading (the bill having been read the second time this morning).

Question—Shall H. B. No. 196 be passed to third reading?

#### **House Concurrent Resolution 186 on Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 186, Suspending Joint Rules to consider S. J. R. No. 39 at any time.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

#### **Committee Substitute House Joint Resolution 24 on Second Reading**

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this

time on its second reading and passage to third reading:

C. S. H. J. R. No. 24, Proposing an amendment to Article VI of the Constitution of the State of Texas by adding a new Section thereto, Section 2a, to provide for voting on electors for President and Vice President, and on all state-wide officers, questions or propositions, by persons qualified to vote in this State except for meeting county or district residence requirements, and to provide for voting on electors for President and Vice President by otherwise qualified United States citizens who have moved into or out of this State preceding a presidential election.

The resolution was read second time and was passed to third reading.

#### Committee Substitute House Joint Resolution 24 on Third Reading

Senator Herring moved that Senate Rule 32 and the Constitutional Rule requiring resolutions to be read on three several days be suspended and that C. S. H. J. R. No. 24 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—30

Aikin	Kazen
Bates	Kennard
Blanchard	Krueger
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word

#### Absent

Richter

The President then laid the resolution before the Senate on its third reading and final passage.

The resolution was read third time and passed by the following vote:

#### Yeas—30

Aikin	Blanchard
Bates	Calhoun

Cole	Krueger
Colson	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hall	Reagan
Hardeman	Rogers
Harrington	Schwartz
Hazlewood	Snelson
Herring	Spears
Hightower	Strong
Kazen	Watson
Kennard	Word

#### Absent

Richter

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 189, Suspending the Joint Rules of the House and Senate in order to allow either House to take up and consider House Bill No. 639 at any time.

H. C. R. No. 192, Suspending the Joint Rules of the House and Senate in order to allow either House to take up and consider House Bill No. 35 at any time.

S. C. R. No. 110, Central Education Agency—contracts with Vocational Teacher Training Institutions of Texas.

H. C. R. 190, Suspending all necessary rules to permit consideration of House Bill No. 107 at any time.

H. C. R. No. 191, Suspending all necessary Rules in order that the House or Senate may take up and consider H. J. R. No. 51 at any time.

H. C. R. No. 196, Directing the Enrolling Clerk to make certain corrections to the Conference Committee Report on House Bill No. 67.

Respectfully submitted,

DOROTHY HALLMAN,  
Chief Clerk House of Representatives

#### House Concurrent Resolution 190 on Second Reading

The President laid before the Sen-

ate on its second reading the following resolution:

H. C. R. No. 190, Suspending Joint Rules to consider H. B. No. 107 at any time.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

#### Committee to Escort Governor Connally to Joint Session

The President announced the appointment of the following as a committee to escort Governor John Connally to the Joint Session pursuant to the provisions of H. C. R. No. 195:

Senators Aikin, Hardeman, Moore, Dies and Word.

#### Joint Session

(To hear address of Governor John Connally)

The President of the Senate and the Senators present escorted by the Sergeant-at-Arms and the Secretary of the Senate proceeded to the Hall of the House of Representatives at 4:00 o'clock p.m. to hear the address of the Honorable John Connally, Governor of Texas, pursuant to the provisions of H. C. R. No. 195.

On invitation of the Speaker, the President occupied a seat on the Speaker's Rostrum.

The Senators were announced and were admitted and escorted to seats prepared for them along the aisle.

The President called the Senate to order, and announced a quorum of the Senate present.

The Honorable Ben Barnes, Speaker of the House of Representatives, called the House to order, stated the purpose of the Joint Session and announced a quorum of the House present.

The Honorable John Connally, Governor of the State of Texas, and Mrs. Connally were announced by the Doorkeeper of the House.

The Governor's party was escorted to the Speaker's Rostrum by Senators Aikin, Dies, Hardeman, Moore and Word, on the part of the Senate, and

Representatives Atwell, Slider, Cory, Brown, Hallmark, Cowden, Hendryx and Pipkin, on the part of the House.

The Speaker presented His Excellency, the Honorable John Connally, Governor of the State of Texas.

Governor Connally addressed the Joint Session as follows:

#### TO THE MEMBERS OF THE FIFTY-NINTH LEGISLATURE:

The Regular Session of the 59th Legislature is about to become history, and I think you have written a record here that we can always recall with pride.

I know it is an unusual procedure for the Governor to come before a joint session on the last day for a purpose such as this, but I believe your achievements warrant this unusual procedure.

Long before this Legislature convened in January, it was almost universally conceded that we were facing a greater and more varied assortment of problems than any Legislature in recent times. There were predictions that you couldn't possibly take care of all of this business without one or more special sessions.

You and I were faced with court orders to accomplish congressional and legislative redistricting in a way to comply with guidelines laid down by the United States Supreme Court.

We were challenged to provide effective coordination and financing of higher education in our quest for excellence and eminence in our colleges and universities.

We were challenged to provide salary raises for public school teachers, and the two conflicting plans presented certainly made this no easy task.

We were challenged to make drastic changes in the way our state cares for the mentally ill and the mentally retarded, and to provide an effective program for the eradication of tuberculosis.

We were challenged to provide for comprehensive planning, financing and research for development of our water resources, and this included drastic revision of our entire water program.

While we were fortunate to have a substantial surplus in the General Revenue Fund when we began our work, almost every agency and service of state government was request-



ing more money to provide more services to more people. As a consequence, we faced the biggest budget in Texas history—more than three and a half billion dollars for the next biennium.

In my message to you on January 27, I said:

"Our challenges in the weeks ahead are formidable. But they thrust upon us existing opportunities. Our tasks are demanding. But the rewards of public service exceed the demands of public trust. . . .

"As we resume our work, we again face serious obstacles and the skeptics are still with us. But I am confident that we again are equal to the task, and that this Legislature will earn its place in history as one which recognized its challenge and met it forthwith."

I restate those words today with new emphasis, with deep personal gratitude, and with the highest commendation.

As Mark Twain once put it, "You have done yourselves proud."

You have handled a considerably greater volume of legislation than did the 58th Legislature two years ago, with more bills introduced, reported from committee, considered and passed. Many of these are of major consequence. You have met the issues head-on and discharged your obligations in a statesmanlike manner.

The Congressional, Senate and House redistricting bills you have passed will, in my opinion, meet the requirements of federal court decisions and guidelines.

The development of all these redistricting plans has been a long and tedious process of working, reworking and compromising. It was inevitable that some of us would be less happy than others. The bills are not perfect from any point of view, but the fact remains that you approached and performed these assignments with determination to resolve a difficult and even painful issue.

I have often expressed the conviction that tax money which goes into education is not so much an expenditure as an investment which will be returned many fold in the human and economic development of Texas.

This Legislature has done a remarkable job in providing funds for both the public schools and higher education.

Of the \$3.65 billion we will be

spending during the next two years under provisions of the General Appropriations Bill, about \$1.7 billion—or more than 46% of the total—will go for education.

Much of this increase will be used to improve vocational and technical education to extend state aid to junior colleges in financing academic instructional costs, to increase faculty salaries in higher education to a point above the national average, and to expand facilities to meet the tremendous influx of students at all levels.

We have provided a strong coordinating board for higher education, and a total increase of \$91 million in appropriations to raise faculty salaries, improve research programs, provide technical and vocational training, and begin a significant and realistic move toward general excellence in education beyond the high school.

We will be spending \$89.7 million more for public schools during the next two years, much of this due to the growth of enrollment. In addition, the state's share of the teacher pay raise bill will be approximately \$70 million.

I want to again compliment and congratulate those of you who helped work out a teacher pay compromise. It is my sincere belief that the plan we have adopted will keep the best possible teaching talent in the classrooms of Texas.

We have made possible a bold new beginning in our treatment and care of the mentally ill and mentally retarded and provided for the coordination of efforts in this area by placing functions previously assigned to the Board for Texas State Hospitals and Special School and the State Department of Health to a newly-created Department of Mental Health and Retardation. We will be spending more than a million dollars during the next two years on contract treatment and new outpatient clinics to help the mentally ill in or near their home communities. We will be spending more than \$700,000 during the biennium on community service for the mentally retarded, in addition to financing the work of a Texas Mental Retardation Planning Study similar to that which was completed last year in the area of mental health.

The Texas State Department of Health will be given responsibility for a tuberculosis eradication program

and administration of the four state tuberculosis hospitals which have been under the jurisdiction of the Board for Texas State Hospital and Special Schools. Other institutions which have been administered by the Board have been transferred to more appropriate institutions and agencies. The Moody State School for Cerebral Palsied in Galveston has been transferred to the University of Texas, the Blind, Deaf and Orphan School in Austin to the Texas Education Agency, and the Alabama-Coushatta Indian Reservation near Livingston to a new Commission for Indian Affairs.

The water legislation you have enacted will give the state government the strong position of leadership it has long needed. By realigning the responsibilities of the Texas Water Commission and the Water Development Board and by submitting to the people the \$200 million water bond amendment, you have written a conservation record of immense importance to the future of Texas.

You have demonstrated your financial responsibility by enacting a tax bill to finance the teacher pay raise. While no Legislature and no Governor likes to raise taxes, we have recognized that taxing and spending are opposite sides of the same coin, and we have acted realistically to provide what we thought was needed for the progress of this state and its people.

I have touched on just a few of the major accomplishments of this Legislature, and am in no sense attempting to review all of the work you have done in these last 140 days.

You carried out many of my recommendations in a variety of fields—industrial and tourist development, outdoor recreation, a Fine Arts Commission, state employee pay raises, judicial pay raises, the pooling bill, planning authority for the State Building Commission.

It is to the everlasting credit of this House and Senate that during all of this session, most of you never acknowledged that any situation was hopeless, never refused to discuss or compromise, never failed to put the common good above self-interest.

It was Gladstone who said that "good laws make it easier to do right and harder to do wrong."

I know it is our hope that we have passed laws which will make it easier

to do right, not only in the strict moral sense of the word, but in the sense of fulfilling our responsibilities.

—Right by the millions of young Texans in our schools and colleges.

—Right by the thousands of our citizens who are handicapped physically or mentally.

—Right by the aged and the ill and infirm.

—Right by the industries which must provide new jobs for the expanding population of this state.

—Right by our people who look to the state for leadership in the conservation and development of our natural resources.

—In short, right by the bright and promising future of this great and dynamic state.

I thank you for your many considerations to me, both personally and officially.

I thank you for your confidence and friendship.

Above all, I thank you for the record of achievement you have written in this 59th regular session of the Texas Legislature.

At the conclusion of the address by Governor Connally, the Speaker of the House of Representatives presented Mrs. Nellie Connally, the first lady of Texas and "Sweetheart of all Texas" to the Joint Session.

At the conclusion of the Joint Session, the President announced at 4:22 o'clock p.m. that the purpose of the Joint Session having been concluded, the Senate would retire to its Chamber.

#### In Legislative Session

The President called the Senate to order as In Legislative Session at 4:24 o'clock p.m.

#### Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read the following enrolled bills and resolutions:

H. C. R. No. 177, Authorizing the Enrolling Clerk of the House of Representatives to make certain corrections in House Bill No. 1111.

H. C. R. No. 183, Directing the Engrossing and Enrolling Clerk of the House of Representatives to make certain correction in Senate Floor

Amendment No. 1 before enrolling it as a part of House Bill No. 114.

H. B. No. 73, A bill to be entitled "An Act to encourage persons to make available to the public, land, water and park areas for outdoor recreational purposes by limiting the liability of landowners or lessees of certain lands for injury suffered by any person while hunting, fishing or engaging in any other type of recreational activity upon the landowner's or lessee's property; and declaring an emergency."

H. B. No. 114, A bill to be entitled "An Act to amend Title 50 of the Revised Civil Statutes of Texas, 1925, known as the Texas Election Code; providing for the appointment of election officers for certain elections ordered by county officers; providing that business necessity or personal convenience shall be acceptable reasons for voting absentee; specifying officer to conduct absentee voting in various elections; etc., and declaring an emergency."

H. B. No. 267, A bill to be entitled "An Act relating to the power and duty to plug abandoned oil and gas wells; amending Article 6005, Revised Civil Statutes of Texas, 1926; repealing Section 9, Chapter 245, General Laws, Acts of the 44th Legislature, Regular Session, 1935; and declaring an emergency."

H. B. No. 1130, A bill to be entitled "An Act authorizing the District Attorney for the Second Judicial District to employ an Assistant District Attorney; prescribing the powers, duties and compensation of the Assistant District Attorney; making other provisions relating thereto; and declaring an emergency."

H. B. No. 468, A bill to be entitled "An Act relating to filing fees for candidates for State Representative or State Senator in primary elections in certain counties; amending Article 186a, Texas Election Code, as amended; and declaring an emergency."

H. B. No. 258, A bill to be entitled "An Act relating to allowing all members of the Armed Forces who are residents of Texas to vote; amending Article 34, Texas Election Code as amended; and declaring an emergency."

H. B. No. 976, A bill to be entitled

"An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Acres Homes Improvement District'; declaring District a governmental agency, body politic and corporate; defining the boundaries; etc., and declaring an emergency."

H. C. R. No. 184, Directing the Enrolling and Engrossing Clerk of the House of Representatives to make certain changes in Senate Amendment No. 1 before enrolling it as a part of H. J. R. No. 13.

H. C. R. No. 185, Suspending the Joint Rules to consider H. B. No. 196.

H. C. R. No. 168, Creating an interim committee to study the problems of reporting information relating to an accused person in custody or on bail and proceedings in our criminal and civil courts.

H. B. No. 156, A bill to be entitled "An Act relating to the creation of the Mathis Hospital District in San Patricio County; providing for the administration and financing of the District; and declaring an emergency."

H. B. No. 1082, A bill to be entitled "An Act creating a conservation and reclamation district under the provisions of Section 59, Article XVI, Constitution of the State of Texas, to be known as 'San Leon Municipal Utility District of Galveston County, Texas'; prescribing its rights, etc., and declaring an emergency."

H. J. R. No. 13, Proposing an Amendment to Sections 2 and 4 of Article VI of the Constitution of the State of Texas so as to repeal the provision making payment of the poll tax a requirement for voting and so as to authorize the Legislature to provide for the registration of all voters.

H. J. R. No. 81, Proposing an Amendment to the Constitution of the State of Texas, amending Section 51-a and Subsections 51a-1 and 51a-2 of Article III providing assistance to and/or medical care on behalf of needy aged persons over the age of sixty-five (65) . . . etc.

S. B. No. 146, A bill to be entitled "An Act concerning water resources administration and development;

amending Acts 1957, 55th Legislature, Chapter 425 relating to the Texas Water Development Board; creating the Texas Water Development Board, providing for its membership and specifically ratifying and confirming all acts heretofore performed by the pre-existing Board of the same name, etc., and declaring an emergency."

S. B. No. 149, A bill to be entitled "An Act to provide financial support from State funds on a limited basis for the development of instructional television services toward the enhancement of classroom instruction in the public elementary and secondary school system of Texas; providing and prescribing for the reimbursement of a portion of the cost thereof by and pursuant to regulations of the Central Education Agency from the Foundation School Fund; making the Act effective for the school year beginning 1965-1966 and thereafter; and declaring an emergency."

S. B. No. 50, A bill to be entitled "An Act to provide a sick leave policy for all teachers employed in the Texas Public Free Schools, setting out the Minimum Sick Leave Program, providing for reports to and administration through the Central Education Agency; providing for financing from the State Foundation School Fund; to take effect for the 1965-66 school year and thereafter; providing a severability clause, and declaring an emergency."

S. B. No. 408, A bill to be entitled "An Act to authorize and provide for the establishment of Regional Education Media Centers pursuant to rules and regulations prescribed by the State Board of Education and the Central Education Agency, etc., and declaring an emergency."

S. B. No. 145, A bill to be entitled "An Act concerning water resources and water rights and water resources and water rights administration; further amending Article 7477 of the Revised Civil Statutes of Texas, 1925, as amended; changing the name of the Texas Water Commission to the Texas Water Rights Commission; defining certain terms; etc., and declaring an emergency."

S. B. No. 572, A bill to be entitled "An Act relating to credit for license fees paid on motor vehicles which are subsequently destroyed; and declaring an emergency."

S. B. No. 532, A bill to be entitled "An Act providing for the creation of county industrial survey committees; and declaring an emergency."

S. B. No. 405, A bill to be entitled "An Act amending Senate Bill No. 79, Chapter 380, Page 858, General and Special Laws of the State of Texas, Fifty-seventh Legislature, Regular Session, 1961, as amended, which is codified as Article 695j, Vernon's Texas Civil Statutes, by amending Subparagraph (g) of Section 1; redefining the term "recipient of public assistance" so as to extend the Medical Assistance Program to include recipients of Aid to the Blind; adding a new Subsection (3) to Section 3 of said Article so as to authorize the State Department of Public Welfare under certain conditions and limitations to extend medical services to recipients of public assistance to include services rendered outside a hospital or nursing home; providing a repealing clause, a savings clause, and declaring an emergency."

S. B. No. 559, A bill to be entitled "An Act relating to the organization and area of the Upper Red River Flood Control and Irrigation District; amending Sections 1, 2 and 3, Chapter 454, Acts of the 45th Legislature, Regular Session, 1937; and declaring an emergency."

S. B. No. 457, A bill to be entitled "An Act amending Article 1.13, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as added by Section 1, Article VII, Chapter 24, Acts of the 57th Legislature, 1st Called Session, 1961, relating to acceptance of postmark as evidence of timely making of payments or filing of various documents; and declaring an emergency."

S. B. No. 553, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Comanche Hills Utility District, declaring District a governmental agency, body politic and corporate; defining the boundaries, etc., and declaring an emergency."

#### Conference Committee Report on House Bill 1042

Senate Hardeman submitted the following Conference Committee Report on H. B. No. 1042:

Austin, Texas,  
May 24, 1965.

Hon. Preston Smith, President of the  
Senate.

Hon. Ben Barnes, Speaker of the  
House of Representatives.

Sirs: We, your Conference Committee appointed to adjust the differences between the House and Senate on House Bill No. 1042, have met and adjusted our differences and beg leave to recommend that House Bill No. 1042 be passed in the form attached hereto.

Respectfully submitted,

HARDING  
NUGENT  
TOWNSEND  
THURMOND

On the part of the House

HARDEMAN  
BATES  
CRUMP

On the part of the Senate

H. B. No. 1042,

A BILL

To Be Entitled

"An Act relating to the creation, organization, powers and functions, of a Conservation and Reclamation District to be known as the "Upper Colorado River Authority"; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. There is hereby created within the State, and in addition to the districts into which the State has heretofore been divided, a Conservation and Reclamation District to be known as the "Upper Colorado River Authority" (hereinafter called "the District") and which is an enlargement of said District as previously created pursuant to Chapter 126, General Laws, Acts of the 44th Legislature, Regular Session, 1935, as amended (Article 8280-109, Vernon's Texas Civil Statutes), which Act, subject to the provisions provided for below, is hereby repealed.

Sec. 2. The District shall, subject to the provisions provided for below, be comprised of all, or that part of, the following counties of the State of Texas lying in the watershed of the Colorado River Basin, to wit: Coke, Coleman, Concho, Irion, McCulloch, Menard, Runnels, Sterling,

Tom Green, and any other county or municipality lying within said watershed of the Colorado River which shall elect to be incorporated into the District pursuant to the provisions provided for hereinbelow, provided, however, that no defect in the definition of the boundaries of any county, or part thereof, or municipality which may become a part of the District shall affect the validity of the District hereby created or any of its powers or duties. It is hereby found that all of the lands thus included, and to be included, in said District will be benefited by the improvements to be acquired and constructed by said District.

Sec. 3. (a) The powers, rights, privileges and functions of the District shall be exercised by a board of directors (herein called "Board"), all of whom shall be residents of and property holders in the District. The number of directors of the initial Board organized under this Act depends upon the number of counties that elect to become a part of the District. Tom Green and Coke Counties are each entitled to two directors; each other county is entitled to one director. All of the directors shall be appointed by the Governor of the State of Texas and confirmed by the Senate of Texas. One-half the directors of the initial Board have terms of office of one year; one-half have terms of office of two years. The governor shall designate which of the initial directors have one- and which have two-year terms. If the number of directors of the initial Board is not divisible by two, one less than half have one-year terms and one more than half have two-year terms. One of the directors of the initial Board from Tom Green County has a one-year term; one from Coke County has a one-year term. The successors to initial directors have two-year terms. Any director may be removed by the governor for inefficiency, neglect of duty, or misconduct in office, after at least 10 days written notice of the charges against him and an opportunity to be heard in person or by counsel at a public hearing have been provided. A vacancy resulting from the death, resignation, or removal of director shall be filled by the governor for the unexpired portion of the term of the director. Each director shall qualify by taking the

official oath of office prescribed by general law.

(b) The provisions of Section 3(a) herein described shall govern the provisions therein contained concerning the number of directors from each respective county for a period of three years from the date of enactment; thereafter following such three-year period this subsection shall apply and shall supersede Section 3(a) three years from the date of enactment. The powers, rights, privileges, and functions of the District shall be exercised by a board of directors (herein called "Board"), all of whom shall be residents of and property holders in the District. The number of directors of the initial Board organized under this Act depends upon the number of counties that elect to become a part of the District. Each county that elects to come within the District is entitled to one director. All of the directors shall be appointed by the Governor of the State of Texas and confirmed by the Senate of Texas. One-half the directors of the initial Board have terms of office of one year; one-half have terms of office for two years. The Governor shall designate which of the initial directors have one- and which have two-year terms. If the number of directors of the initial Board is not divisible by two, one less than half have one-year terms and one more than half have two-year terms. The successors to initial directors have two-year terms. Any director may be removed by the Governor for inefficiency, neglect of duty, or misconduct in office, after at least ten days written notice of the charges against him and an opportunity to be heard in person or by counsel at a public hearing have been provided. A vacancy resulting from the death, resignation, or removal of director shall be filled by the Governor for the unexpired portion of the term of the director. Each director shall qualify by taking the Official oath of office prescribed by General Law.

(c) Each director shall receive a fee of Twenty-five Dollars (\$25) for attending each meeting of the Board provided that not more than Fifty Dollars (\$50) shall be paid to any director for meetings held in any one calendar month. Each director shall also be entitled to receive Twenty-five Dollars (\$25) for each day devoted to the business of the District and to

reimbursement for actual expenses incurred in attending to District business, including attendance to Board meetings, provided that such service and expense are expressly approved by the Board.

(d) In the event other counties, or parts of other counties, and/or cities become constituents of the District pursuant to the terms provided for below, each such additional county, part of county, or city shall be entitled to have a person serve as a director on the Board who shall be appointed and confirmed in the same manner, and subject to the same conditions, provided above, and the number of the directors of the Board shall be increased by one for each such additional member. Directors added to the Board pursuant to this provision shall be appointed for terms of one or two years, in such manner as shall be necessary to maintain, as near as practical, the rotation of directors in even numbers annually.

Sec. 4. The Board of Directors shall elect from its number a president and a vice president of the District, and such other officers as in the judgment of the Board are necessary. Each director shall give bond in the amount of \$5,000, conditioned upon the faithful performance of their duties. The Board shall pay the premiums on the bonds. The president shall be the chief executive officer of the District and the presiding officer of the Board, and shall have the same right to vote as any other director. The vice president shall perform all duties and exercise all powers conferred by this Act upon the president when the president is absent or fails or declines to act. The Board shall also appoint a secretary and a treasurer from its number, and it may combine these offices. In the place of the \$5,000 bond, the treasurer shall give bond in such amount as may be required by the Board of Directors, but in no event less than One Hundred Thousand Dollars (\$100,000). The condition of such bond shall be that he will faithfully account for all money which shall come in his custody as treasurer of the District. The secretary shall keep true and complete records of all proceedings of the Board. The Board may also select a general manager. All such officers shall have such powers and duties, shall hold office for such term, and be subject to removal in such manner as may be provided

in the bylaws. The Board shall fix the compensation of such officers. The Board may appoint such other officers, agents, engineers, attorneys and other employees, fix their compensation and the term of office and the methods by which they may be removed, and delegate to them such of its powers and duties as it may deem proper. The Board may appoint such other officers, agents, engineers, attorneys and other employees, fix their compensation and the term of office and the methods by which they may be removed, and delegate to them such of its powers and duties as it may deem proper.

Sec. 5. Until the adoption of bylaws fixing the time and place for regular meetings and the manner in which special meetings may be called, meetings of the Board shall be held at such times and places as a majority of the directors may designate in writing. A majority of the directors shall constitute a quorum at any meeting, and, except as otherwise provided in this Act, all action may be taken by the affirmative vote of a majority of the directors present at such meeting, except that no contracts shall involve an amount greater than Ten Thousand Dollars (\$10,000) or run for a longer period than a year, and no bonds, notes, or other evidence of indebtedness and no amendment of the bylaws shall be valid unless authorized or approved by the affirmative vote of at least a majority of the directors. The Board shall, in its initial business, prepare and adopt such bylaws for its regulation as it may deem feasible, consistent, however, with the provisions of this Act.

Sec. 6. (a) The moneys of the District shall be disbursed only on checks, drafts, orders or other instruments signed by such persons as shall be authorized to sign the same by the bylaws, on resolution concurred in by not less than a majority of the directors. The general manager, the treasurer, and all other officers, agents and employees of the District who shall be charged with the collection, custody or payment of any funds of the District, excluding, however, for this purpose, any and all depositories of said District which are duly chartered national or Texas state banks, shall give bond conditioned on the faithful performance

of their duties and an accounting for all funds and property of the District coming into their respective hands, each of which bonds shall be in form and amount and with a surety, which shall be a surety company authorized to do business in the State of Texas, approved by the Board, and the premiums of such bonds shall be paid by the District and charged as an operating expense. Such bond shall be payable to the Board of Directors and their successors in office for the use and benefit of the District. All funds held by the District for which there is not an anticipated use for a period of at least six (6) months shall be deposited in interest bearing certificates or bonds.

(b) All funds of the District shall be deposited in the duly designated depository bank or banks except that funds pledged to pay bonds may be deposited with the trustee bank named in the trust or bond agreement, and except that funds shall be remitted to the bank of payment for the payment of principal of, and interest on, bonds. To the extent that funds in the depository banks and the trustee bank are not insured by the Federal Deposit Insurance Corporation, they shall be secured in the manner provided by law for the security of county funds.

Sec. 7. The general office of the District shall be located by vote of a majority of the Board, the county in which said general office is located to constitute the domicile of the District. The District shall cause to be kept complete and accurate accounts conforming to approved methods of bookkeeping. Said accounts and all contracts, documents and records of the District shall be kept at the general office. Said accounts, contracts and records shall be open to public inspection at all reasonable times. For this purpose, all such accounts, contracts, documents, minutes, and all other records of the original Upper Colorado River Authority created by Article 8280-109 shall be delivered to the Board for permanent safekeeping. The Board shall cause to be made and completed within ninety (90) days after the end of each calendar year, an audit of the books of account and financial records of the District for such calendar year, such audit to be made by an independent certified public accountant or firm of certified

public accountants. Copies of a written report of such audit, certified to by said accountant or accountants, shall be placed and kept on file with the Texas Water Commission, with the Treasurer of the State of Texas, and at the general office, and shall be open to public inspection at all reasonable times.

Sec. 8. No director, officer, agent or employee of the District shall be directly or indirectly interested in any contract for the purchase of any property or construction of any work by or for the District; and if any such person shall be or become so interested in such contract, he shall be guilty of a felony and on conviction thereof shall be subject to a fine in an amount not exceeding Ten Thousand Dollars (\$10,000) or to confinement in the State Penitentiary for not less than one (1) year nor more than ten (10) years, or both.

Sec. 9. Such District shall be, and is hereby declared to be, a governmental agency and body politic and corporate with the powers of government and with the authority to exercise the rights, privileges and functions hereinafter specified, and the creation of such District is hereby determined to be essential to the accomplishment of the purposes of Section 59 of Article 16 of the Constitution of the State of Texas, including, to the extent hereinafter authorized, the control, storing, preservation and distribution of the waters of the Colorado River and its tributaries for domestic, municipal, industrial, mining, irrigation, the reclamation and irrigation of arid, semi-arid and other land needing irrigation, the conservation and development of the forests, water and hydro-electric power and other useful purposes.

Sec. 10. Except as expressly limited by this Act, the District shall have, and is hereby authorized to exercise, all powers, rights, privileges and functions conferred by General Law upon any district or districts created pursuant to Section 59 of Article 16 of the Constitution of the State of Texas. Without limitation of generality of the foregoing, the District shall have, and is hereby authorized to exercise, the following powers, rights, privileges and functions:

(a) To control, store and preserve, within or across, but contiguous to, the boundaries of the District, the

waters of the Colorado River and its tributaries for any useful purpose, and to use, distribute and sell the same without or within the boundaries of the District for any such purpose;

(b) To impound the storm and flood waters in the unappropriated flow of the Colorado River and its tributaries by the construction of a dam or dams across said river and its tributaries or otherwise, by complying with Chapter 1, Title 128, Revised Civil Statutes, as amended, and to develop or otherwise acquire underground sources of water;

(c) To construct or otherwise acquire all works, plants, and other facilities necessary or useful for the purpose of processing such water and transporting it to consumers and others for such authorized purposes. No dam or other works for the impounding of water from said Colorado River or its tributaries shall be constructed until the plan therefor is approved by the Texas Water Commission of the State of Texas.

(d) The District may, by condemnation, acquire easements and land, including land above the probable high water line around the reservoirs, inside the District for the purpose of carrying out any power or authority conferred by this Act; and may acquire easements outside the District for the purpose of transporting water. The District shall exercise the power of condemnation in the manner provided by Title 52, Revised Civil Statutes of Texas, 1925, as amended, relating to eminent domain. The amount of and character of interest in land and easements thus to be acquired shall be determined by the Board of Directors. In the event that the District, in the exercise of the power of eminent domain or power of relocation, or any other power granted hereunder, makes necessary the relocation, raising, re-routing, or changing the grade of, or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities, or pipeline, all such necessary relocation, raising, re-routing, changing of grade or alteration of construction shall be accomplished at the sole expense of the District. The term "sole expense" shall mean the actual cost of such relocation, raising, lowering, re-routing or change in grade or alteration of construction in providing comparable replacement without enhancement of such facilities, after de-



ducting therefrom the net salvage value derived from the old facility;

(e) To prevent or aid in the prevention of damage to person or property from the waters of the Colorado River and its tributaries;

(f) To forest and reforest and to aid in the foresting and reforesting of the watershed area of the Colorado River and its tributaries and to prevent and to aid in the prevention of soil erosion and floods within said watershed area;

(g) Subject to the provisions of this Act, from time to time, to sell or otherwise dispose of any property of any kind, real, personal or mixed, or any interest therein, which shall not be necessary to the carrying on of the business of the District;

(h) To overflow and inundate any public lands and public property and to require the relocation of roads and highways in the manner and to the extent permitted to districts authorized under General Law pursuant to Section 59 of Article 16 of the Constitution of the State of Texas;

(i) To construct, extend, improve, maintain and reconstruct, to cause to be constructed, extended, improved, maintained and reconstructed and to use and operate, any and all facilities of any kind necessary or convenient to the exercise of such powers, rights, privileges, and functions;

(j) To sell and distribute water without or within the boundaries of the District to any municipality or person, firm or corporation for the above provided lawful purposes, together with the right to construct flumes, pipelines, storage reservoirs, compressor or pump stations and other necessary facilities to process, treat and/or deliver for such purposes without or within the District;

(k) To provide for the study, correction, prevention, and control of both artificial and natural pollution of the Colorado River and its tributaries within the District and to adopt and promulgate all reasonable regulations with regard to such pollution, both artificial and natural, so as to secure, maintain, and preserve the purity, usefulness, and sanitary condition of the water in, and to flow into, the Colorado River and its tributaries; and, with immunity or liability, to eliminate oil field brine pollution of the Colorado River and its tributaries by (1) in cooperating with the state agency authorized to plug abandoned wells, capping and plug-

ging abandoned oil and gas wells; (2) covering salt water pits with earth; (3) in compliance with Chapter 1, Title 128, Revised Civil Statutes of Texas, 1925, as amended, constructing channel dams to collect polluted low flows of the Colorado River and its tributaries; (4) in compliance with Chapter 82, Acts of the 57th Legislature, Regular Session, 1961 (Article 7621b, Vernon's Texas Civil Statutes), developing salt water disposal wells; and (5) using other practical means of eliminating oil field brine pollution of the Colorado River and its tributaries in the District;

(l) To sue and be sued in its corporate name, to adopt, use, and alter a corporate seal, to make bylaws for the management and regulation of its affairs, to make contracts and to execute instruments necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it by this Act, to borrow money for its corporate purposes and, without limitation of the generality of the foregoing, to borrow money and accept grants from the United States of America, or from any corporation or agency created or designated by the United States of America, or from the State of Texas, or from any corporation or agency created or designated by the State of Texas, and, in connection with any such loan or grant, to enter into such agreements as the United States of America or State of Texas or their subdivisions may require;

(m) To issue its negotiable bonds to be payable from such revenues of the District as are pledged by resolution of the Board of Directors. Such bonds shall be authorized by resolution of the Board of Directors and shall be issued in the name of the District, signed by the president or vice president, attested by the secretary or assistant secretary and have the seal of the District impressed thereon. They shall mature serially or otherwise in not to exceed forty (40) years and may be sold at a price under terms determined by the Board of Directors to be the most advantageous reasonably obtainable, provided that the interest cost to the District, calculated by use of standard bond interest tables current in use by insurance companies and investment houses, does not exceed six per cent (6%) per annum and within the discretion of the Board may be made

callable prior to maturity at such times and prices as may be prescribed in the resolution authorizing the bonds, and may be made registrable as to principal or as to both principal and interest; the bonds may be issued in more than one (1) series and from time to time as required for carrying out the purposes of this Act; the bonds may be secured by a pledge of all or part of the net revenues of the District, or by the net revenues of any or more contracts theretofore or thereafter made or other revenues specified by resolution of the Board of Directors. Any such pledge may reserve the right, under conditions therein specified, to issue additional bonds which will be on a parity with or subordinate to the bonds then being issued. The term "net revenues" as used in this Section shall mean the gross revenues of the District after deduction of the amount necessary to pay the cost of maintaining and operating the District and its property;

(n) For the purposes stated hereinabove, but subject to the conditions stated hereinbelow, the District is also empowered to issue bonds payable from ad valorem taxes to be levied on taxable property therein specifically made subject to such ad valorem taxes, or to issue bonds secured both by and payable from such taxes and the revenues of the District. Where bonds are issued payable wholly or partially from ad valorem taxes, it shall be the duty of the Board of Directors to levy a tax sufficient to pay the bonds and the interest thereon as such bonds and interest become due, but the rate of tax for any year may be fixed after giving consideration to the money received from the pledged revenues which may be available for payment of principal and interest to the extent and in the manner permitted by the resolution authorizing the issuance of the bonds.

Sec. 11. Where bonds payable wholly from revenues are issued, it shall be the duty of the Board of Directors to fix, and from time to time to revise, the rates of compensation for water sold and services rendered by the District which will be sufficient to pay the expense of operating and maintaining the facilities of the District and to pay the bonds as they mature and the interest as it accrues and to maintain the reserve and other funds as provided in the reso-

lution authorizing the bonds. Where bonds payable partially from revenues are issued, it shall be the duty of the Board to fix, and from time to time to revise, the rate of compensation for water sold and services rendered by the District which will be sufficient to assure compliance with the resolution authorizing the bonds.

Sec. 12. From the proceeds from the sale of the bonds, the District may set aside an amount for the payment of interest expected to accrue during construction and a reverse interest in sinking funds, and such provision may be made in the resolution authorizing the bonds. Proceeds from the sale of the bonds may also be used for the payment of all expenses necessarily incurred in accomplishing the purposes for which this District is created.

Sec. 13. In the event of a default or a threatened default in the payment of principal of, or interest on, bonds payable wholly or partially from revenues, any court of competent jurisdiction may, upon petition of the holders of twenty-five per cent (25%) of the outstanding bonds of the issue thus in default or threatened with default, appoint a receiver with authority to collect and receive all income of the District, except taxes, employ and discharge agents and employees of the District, take charge of funds on hand except funds received from taxes unless commingled, and manage the proprietary affairs of the District without consent or hindrance by the Directors. Such receiver may also be authorized to sell or make contracts for the sale of water or renew such contracts with the approval of the court appointing him. The court may vest the receiver with such other powers and duties as the court may find necessary for the protection of the holders of the bonds.

Sec. 14. The District is authorized to issue refunding bonds for the purpose of refunding any outstanding bonds authorized by this Act and interest thereon. Such refunding bonds may be issued to refund more than one series of outstanding bonds, and the pledges for the outstanding bonds may be combined for the security of the refunding bonds, and the refunding bonds may be secured by other or additional revenues. The provisions of this law with reference to the issuance of other bonds and their ap-

proval by the Attorney General and the remedies of the holders shall be applicable to refunding bonds. Refunding bonds shall be registered by the Comptroller upon surrender and cancellation of the bonds to be refunded, but in lieu thereof, and the resolution authorizing their issuance may provide that they shall be sold and the proceeds thereof deposited in the bank where the original bonds are payable, in which case the refunding bonds may be issued in an amount sufficient to pay the interest on the original bonds to their option date or maturity date, and the Comptroller shall register them without concurrent surrender and cancellation of the original bonds.

Sec. 15. Any bonds, including refunding bonds, authorized by this law, not payable wholly from ad valorem taxes, may be additionally secured by deed of trust lien upon physical properties of the District and all franchises, easements, water rights and appropriation permits, leases and contracts and all rights appurtenant to such properties, vesting in the trustee power to sell the properties for payment of the indebtedness, power to operate the properties and all other powers and authority for the further security of the bonds. Such deed of trust may contain any provisions prescribed by the Board of Directors for the security of the bonds and the preservation of the trust estate, and may make provision for amendment or modification thereof and the issuance of bonds to replace lost or mutilated bonds. Any purchaser under a sale under such deed of trust shall be the owner of the dam or dams and the other properties and facilities so purchased and shall have the right to maintain and operate the same.

Sec. 16. (a) No bonds payable wholly or partially from ad valorem taxes, except refunding bonds, shall be issued unless authorized by an election at which only qualified voters who reside in the District and who own taxable property therein and who have duly rendered the same for taxation and unless a majority of the votes cast in each county, or in part of each county in this District where less than the whole county lies within the watershed of the Colorado River, and in each city not located in a member county contained in the District is in favor of the issuance of

the bonds. And no owner of any property lying within such county, city or other area contained within the boundaries of this District shall be charged with or required to pay any tax on such property levied by this District unless a majority of the taxpaying voters of such county, city or other area within the District shall have cast a majority of their votes in favor of such tax levy. Bonds not payable wholly or partially from ad valorem taxes may be issued without an election.

(b) Such election may be called by the Board of Directors without a petition. The resolution calling the election shall specify the time and places of holding the same, the purpose for which the bonds are to be issued, the maximum amount thereof, the maximum maturity thereof, the form of the ballot, and the presiding judge for each voting place. The presiding judge serving at each voting place shall appoint one assistant judge and at least two clerks to assist in holding such election. Notice of the election shall be given by publishing a substantial copy thereof in one newspaper published in each county, or part of such county as may be in the District, and in each city not in a member county contained in the District for two consecutive weeks. The first publication shall be at least twenty-one (21) days prior to the election. In any county, or part of county, or city not located in a member county in which no newspaper is published, notice shall be given by posting a copy of the resolution in three (3) public places.

(c) The returns of the election shall be made to and canvassed by the Board of Directors of the District.

(d) The General Laws relating to elections shall be applicable to elections held under this Section of this Act except as otherwise provided in this Act.

(e) In lieu of calling an election in the entire District, the Board may call such an election only for that county or counties, or part of such county or counties where less than the whole county lies within the watershed of the Colorado River, and/or in that city or cities, whether located in a member county or not, which in the opinion of the Board, would be, singly or jointly, the only county, counties, or part of county or counties, or city or cities, directly to be benefited

from the proposed project requiring the sale of bonds payable wholly or partially from ad valorem taxes. In such a case, the Board shall call the election as otherwise provided for in this Section 16, and no bonds payable wholly or partially from ad valorem taxes, except refunding bonds, shall be issued unless authorized by an election at which only the qualified voters who reside in the county, counties, part of county or counties, and/or city or cities for which the election has been called under this Section 16(e) and who own taxable property therein and who have duly rendered the same for taxation and unless a majority of the votes cast in each county, or part of each county where less than the whole county lies within the watershed of the Colorado River, and each city within the specially defined area for which the Board has called the election is in favor of the issuance of the bonds.

Sec. 17. After any bonds are authorized by the District, such bonds and the record relating to their issuance shall be submitted to the Attorney General for his examination as to the validity thereof. Where such bonds recite that they are secured by a pledge of the proceeds of a contract theretofore made between the District, any city or other governmental agency or district, or other person, firm or corporation, a copy of such contract and the proceedings of the city or other governmental agency or district, or other person, firm or corporation, authorizing such contracts shall be submitted to the Attorney General. If such bonds have been authorized and if such contracts have been made in accordance with the Constitution and laws of the State of Texas, he shall approve the bonds and such contracts and the bonds then shall be registered by the Comptroller of Public Accounts. Thereafter, the bonds, and the contracts, if any, shall be valid and binding and shall be incontestable for any cause.

Sec. 18. The District is authorized to enter into contracts with any city, person, firm, corporation or governmental agency for supplying water to them. The District is also authorized to contract with any city or other governmental agency for the rental or leasing, or for the operation of the water production, water supply, and water supply facilities of such city

or other governmental agency upon such consideration as the District and the city or other governmental agency may agree. Any such contract may be upon such terms and for such time as the parties may agree, and it may provide that it shall continue in effect until bonds specified therein and refunding bonds issued in lieu of such bonds are paid.

Sec. 19. The District is authorized to acquire water appropriation permits directly from the Texas Water Commission or the State of Texas, or from owners of permits. The District is also authorized to purchase water or a water supply from any person, firm, corporation or public agency from any source.

Sec. 20. All bonds of the District shall be, and are hereby declared to be, legal and authorized investments for banks, savings banks, trust companies, building and loans associations, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, and for the sinking funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas. Such bonds shall be eligible to secure the deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political corporations or subdivisions of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their value, when accompanied by any unmatured coupons appurtenant thereto.

Sec. 21. The accomplishment of the purposes stated in this Act being for the benefit of the people of this State and for the improvement of their properties and industries, the District in carrying out the purposes of this Act will be performing an essential public function under the Constitution and shall not be required to pay any tax or assessment on the project or any part thereof, and the bonds issued hereunder and their transfer and the income therefrom or from any source, including the profits made on the sale thereof, shall at all times be free from taxation within this State.

Sec. 22. (a) In the event ad valorem taxes are assessed by the District pursuant to the provisions provided for hereinabove, the tax rolls of the

counties, or parts of such counties, and cities not located in a member county situated within the District, and as may be subject to such tax, are hereby adopted and shall constitute the tax rolls of the District until assessments and tax rolls shall be made by the District; and the county tax assessors, or other applicable tax assessors, are directed to make available all requested data and to serve otherwise the needs of the District.

(b) Prior to the sale and delivery of District bonds which are payable wholly or partially from ad valorem taxes, the Board of Directors may appoint a tax assessor and collector and the Board of Equalization, or to use the existing facilities for this purpose as provided for in paragraph (a) above in this Section, and cause taxes to be assessed, valuations to be equalized, and the tax rolls to be prepared. General Laws applicable to water control and improvement districts with reference to tax assessors and collectors, boards of equalizations, tax rolls and the levy and collection of taxes and delinquent taxes shall be applicable to this District, except that the Board of Equalization which may be appointed each year by the Board of Directors shall consist of one (1) member residing in each county, or part of each county, or city not located in a member county then contained in the District or part of the District being assessed for ad valorem tax.

Sec. 23. (a) The Board of Directors of the District shall have the power to adopt and promulgate all reasonable regulations to secure, maintain and preserve the sanitary condition of all water in and to flow into any reservoir owned by the District, to prevent waste of water or the unauthorized use thereof, to regulate residences, hunting, fishing, boating, and camping and all recreational and business privileges, along or around any such reservoir in the Colorado River and its tributaries, or, any body of land, or easement owned or controlled by the District, and shall have the right to make contracts with responsible persons for concessions and for the construction and operation of tow bridges over the District's water, and for ferry service on or over the District's water, to cover periods of time not to exceed twenty (20) years in the case of a bridge and not to

exceed ten (10) years in the case of of a ferry, fixing the compensation to be charged for service by any such facility to the end that the same be reasonable and requiring adequate bond or bonds from any such contracting person, association, or corporation, payable to the District, to be of such amount and conditioned as the judgment of the directors of the District may deem to be required; and, such contracts may provide for forfeiture of a particular franchise in case of a failure of the licensee to render adequate public service. Provided, however, that the District shall not prevent free public use of its lands and water for recreation purposes and for hunting and fishing except at such points where, in the opinion of the directors, such use would interfere with the proper conduct of the business and except in such cases as the Board may deem it desirable to regulate such free public use for sanitation and safety purposes. All public rights-of-way now traversing the areas to be flooded by the impounded water shall remain open as a way of free public passage to and from the lakes created, and no charge shall ever be made of the public for the right to engage in hunting, fishing, boating, swimming, or other recreation thereon. The District may acquire such lands and rights for such recreational purposes by condemnation provided that such right of condemnation does not contravene any General Law applicable thereto. The District shall acquire and retain an access road to any lake created under the authority of this Act for the purpose of passage and use by the public for said recreational and other sporting purposes provided, however, that this provision shall not apply to any lands or rights sold by the District to any State or Federal agency to be used for game or fish sanctuaries, preserves, or for propagation purposes.

Sec. 24. It is further expressly provided that the District shall have the power to employ and constitute its own peace officers, and any such officer or county peace officer shall have the power to make arrests when necessary to prevent or abate the commission of any offense against the regulations of the District, and against the laws of the State of Texas, when any such offense, or

threatened offense, occurs upon any land, water or easement owned or controlled by the District or, to make such arrest at any place, in case of an offense involving injury of detriment to any property owned or controlled by the District.

Sec. 25. The District is authorized to establish or otherwise provide for public parks and recreation facilities, and to acquire land adjacent to any of its reservoirs for such purposes, provided, however, that no money received from taxation or from bonds payable wholly or partially from taxation shall be used for such purpose.

Sec. 26. This Act and all the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein. If any provision of this Act or the application thereof to any person or circumstance shall be held to be invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby. This Act may be cited as the Upper Colorado River Authority Act.

Sec. 27. It is provided, however, that the District shall not exercise any of the power or authority conferred by this Act in any county, or part of any county, or city, unless the establishment of this Act is confirmed by an election of the resident freeholders of such county, part of such county, or city, respectively, by a majority of the votes cast in such election. After the passage of this Act, the Texas Water Commission of the State of Texas shall order separate elections to be held in each county named in Section 2 above at which elections there shall be submitted the question of whether or not the establishment of this District shall be confirmed. Notice of said election shall be published in a newspaper published in each of said counties, once each week for two (2) weeks, the first notice to be at least fourteen (14) days prior to the date set for the election. The Texas Water Commission shall appoint a presiding judge for each of the voting places and each of the presiding judges shall appoint at least two (2) judges and two (2) clerks to assist him in holding the election. Only qualified voters who reside in said counties and who own taxable property therein and who have duly rendered the same

for taxation shall be qualified to vote at said election. If the majority of the votes cast at the election held separately in each county is in favor of confirmation, the Texas Water Commission shall so declare and thereafter the District shall have all the powers and authority conferred by this Act for such counties as confirm the establishment of the District. It is provided, therefore, that the District shall contain only those counties that vote for such confirmation and that the District shall not contain such counties that vote against such confirmation.

Sec. 28. Any other county, or part of any county lying within the watershed of the Colorado River, or city not located in a member county, not included in this District but desiring to become a member of the District, may cause an election to be held in said county, part of said county lying within the watershed of the Colorado River, or city not located in a member county, by filing with said District a petition containing the bona fide signatures of at least five per cent (5%) of the qualified freeholders of such county, part of such county, or city, desiring admission to the District. If the Board accepts such petition of such applicant as a feasible addition to the District, and for this purpose the Board may impose such conditions, consistent with this Act, as it may deem necessary, the Board shall forward notice of same to the Texas Water Commission of the State of Texas which then shall conduct an election in accordance with the terms of Section 27 above for such county, part of such county, or city. The fact that any county, part of any county, or city has heretofore, by election, duly rejected admission or entrance to the District shall not prevent such county, part of county, or city from conducting subsequent election or elections for admission thereto.

Sec. 29. In the event either Tom Green or Coke County does not elect to confirm the establishment of the District pursuant to the term of this Act, then this Act shall become null and void as to all counties, parts of counties, and cities. In the event Coleman County elects to establish the District in Coleman County pursuant to the terms of this Act, then the Central Colorado River Authority, created by Article 8281-111, Vernon's

Texas Civil Statutes, as amended, shall be revised as provided for in Section 30 below. In the event Runnels County elects to establish the District in Runnels County pursuant to the terms of this Act, then the Runnels County Water Authority, created by Article 8280-176, Vernon's Texas Civil Statutes, as amended, shall be revised as provided for in Section 30 below. In the event Concho County elects to establish the District in Concho County pursuant to the terms of this Act, then the Lower Concho River Water and Soil Conservation Authority, created by Article 8280-123, Vernon's Texas Civil Statutes, shall be revised as provided for in Section 30 below. In the event Menard County elects to establish the District in Menard County pursuant to the terms of this Act, then the Menard County Water Control and Improvement District No. 1 created pursuant to the terms of Article 7880-1 et seq., Vernon's Texas Civil Statutes, as amended, shall be revised as provided for in Section 30 below.

Sec. 30. (a) In the event any or all of the counties of Coleman, Runnels, Concho and Menard elect to establish the District in their respective counties, then their respective Acts, for the counties so electing, passed by the Legislature, as identified in Section 29 above, shall be revised specifically to the following extent, and only to such extent: No future project can be undertaken by any such district or authority requiring application for the unappropriated water to the Texas Water Commission or any succeeding agency thereof.

(b) As to such authorities and districts thus affected pursuant to the terms of paragraph (a) of this Section, they shall continue with all original authority as to projects presently outstanding and as to future projects within the bounds of their authority, unless such present or future projects are assigned by them to, and are acceptable by, the District, they shall retain their funds on hand, as well as sources for funds or income, to be used within the bounds of their authority, and they shall continue to hold their assets, attend to their liabilities, and otherwise operate within the bounds of their authority as they would without the establishment of this District.

(c) If, however, the Board of Di-

rectors of such specified districts and authorities named in Section 29 above should elect to abandon their projects, they can, by unanimous vote of their respective boards, or any such boards, dissolve their own district or authority in which event all assets and liabilities, subject to acceptance of the Board of the District created by this Act, shall pass to this District.

(d) For all purposes, this District shall have, in addition to the powers specified hereinabove in this Act, all those powers and responsibilities granted by statute or by operation of law to those districts and authorities named in Section 29 above.

(e) In the event both Coke and Tom Green counties elect to establish the District in their respective counties, all funds on hand, choses in action, accounts receivable, contracts receivable, and other assets of the dissolved Upper Colorado River Authority, presently existing or to be accrued or acquired on the basis of present and past obligations, shall be paid and assigned over to the District, and the District shall hold all such funds and assets presently existing or to be received, in a reserve fund and trust from which expenditures or uses may be made only for projects directly benefiting Coke and Tom Green counties in such amounts, at such times, on such projects and in such manner as the Board may deem advisable in its discretion, it being the intention that no such funds may be expended or assets used for projects not directly benefiting said Coke and Tom Green counties. In like manner, all expenses and liabilities, present or to be accrued on the basis of present and past obligations, shall be assigned over to the District, and the District shall assume all such expenses and liabilities, presently existing or to be accrued, pay such expenses or liabilities, or otherwise meet such obligations, from the funds received, or to be received, from the dissolved Upper Colorado River Authority in such amounts, at such times, on such projects and in such manner as the Board may be required under the terms of the assumed liabilities and as the Board may otherwise, if not conflicting with such obligations, deem advisable in its discretion.

Sec. 31. The importance of this legislation and the crowded condition of the Calendars in both Houses create

an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended.

The Conference Committee Report was read and was adopted.

#### Message From the Governor

The following message received from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas,  
May 31, 1965.

To the Senate, Fifty-Ninth Legislature, Regular Session:

I disapprove and veto Senate Bill No. 384 for the following reason:

Senate Bill No. 384 was passed with the assumption that it was applicable to only one (1) county, but further study indicates that it has state-wide application, which was not the intent of the Legislature or the sponsor.

Accordingly, I herewith veto and return Senate Bill No. 384.

Respectfully submitted,  
JOHN CONNALLY,  
Governor

#### House Concurrent Resolution 196 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 196, Directing Enrolling Clerk to make certain corrections in H. B. No. 67.

The resolution was read.

Senator Crump asked unanimous consent to consider the resolution immediately.

There was objection.

Senator Crump then moved that H. C. R. No. 196 be considered immediately.

The motion prevailed by the following vote:

Yeas—21

Aikin	Cole
Bates	Creighton
Blanchard	Crump

Dies	Ratliff
Hall	Reagan
Hardeman	Richter
Herring	Rogers
Hightower	Strong
Kazen	Watson
Moore	Word
Patman	

Nays—8

Calhoun	Parkhouse
Colson	Schwartz
Harrington	Snelson
Krueger	Spears

Absent

Hazlewood	Kennard
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Senator Calhoun raised a Point of Order against the consideration of H. C. R. No. 196 on the ground that it was an attempt to amend and/or pass a law by a resolution and violated Art. 3, Sections 30 and 36 of the Constitution.

The President overruled the Point of Order.

Senator Crump moved the previous question on the adoption of H. C. R. No. 196 and the motion was duly seconded.

Question—Shall the previous question now be ordered?

The previous question was ordered by the following vote:

Yeas—20

Aikin	Hightower
Bates	Kazen
Blanchard	Moore
Cole	Patman
Crump	Ratliff
Dies	Reagan
Hall	Richter
Hardeman	Strong
Hazlewood	Watson
Herring	Word

Nays—11

Calhoun	Parkhouse
Colson	Rogers
Creighton	Schwartz
Harrington	Snelson
Kennard	Spears
Krueger	

The resolution was then adopted by the following vote:

Yeas—21

Aikin	Bates
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Blanchard	Kennard
Cole	Moore
Crump	Patman
Dies	Ratliff
Hall	Reagan
Hardeman	Richter
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

**Nays—10**

Calhoun	Parkhouse
Colson	Rogers
Creighton	Schwartz
Harrington	Snelson
Krueger	Spears

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on House Bill No. 154 by a vote of 139 ayes, 1 no.

Respectfully submitted,

**DOROTHY HALLMAN,**  
Chief Clerk House of Representatives

**Senate Concurrent Resolution 134**

Senator Rogers offered the following resolution:

S. C. R. No. 134, Suspending Joint Rules to consider S. B. No. 219 at any time.

Be It Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Joint Rules of the two Houses be, and they are hereby suspended so that either House may take up and consider Senate Bill No. 219 at any time.

The resolution was read.

On motion of Senator Rogers and by unanimous consent the resolution was considered immediately and was adopted.

**Message From the House**

Hall of the House of Representatives  
Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has adopted the Conference Committee Report on House Bill No. 1042 by a non-record vote.

The House has concurred in Senate amendments to H. J. R. No. 24 by vote of 137 ayes, 1 noe.

S. C. R. No. 70, To recommend a brochure to inform the public and stimulate interest in the Texas heritage.

(With amendment.)

S. J. R. No. 39, Proposing an amendment to Section 18, Article VII, Constitution of the State of Texas, to transfer Arlington State College from the Texas A & M University System to The University of Texas System for building and permanent improvement financing purposes.

Respectfully submitted,

**DOROTHY HALLMAN,**  
Chief Clerk House of Representatives

**House Bill 107 on Second Reading**

On motion of Senator Harrington and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 107, A bill to be entitled "An Act relating to the enforcement and enhancement of punishment for the offense of driving a motor vehicle without a valid license; amending Chapter 173, Acts of the 47th Legislature, 1941, by adding three new sections, 21a, 25a, and 44a; and declaring an emergency."

The bill was read the second time.

Senator Harrington offered the following Committee Amendment to the bill:

Amend H. B. No. 107, Section 1, by striking out all of Section 1 and inserting therefor the following:

Section 1. Chapter 173, Acts of the 47th Legislature, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes), is amended by adding Section 21a to read as follows:

"Sec. 21a. (a) The department shall keep a record of all convictions obtained for driving a motor vehicle

on a public street or highway in this State without a valid operator's, commercial or chauffeur's license and shall maintain an individual record of each unlicensed offender, showing the date of the citations issued, and the date of convictions obtained.

"(b) Records of convictions for driving a motor vehicle without a valid license shall be made available to any law enforcement officer, government agency, court or city, county, or district attorney upon request. It shall be the duty of each judge in whose court a conviction for driving without a valid license is obtained to report such conviction to the department within five (5) days."

The Committee Amendment was read and was adopted.

On motion of Senator Harrington and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

#### Record of Votes

Senators Hardeman, Crump and Creighton asked to be recorded as voting "Nay" on the passage of H. B. No. 107 to third reading.

#### Motion to Place House Bill 107 on Third Reading

Senator Harrington moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 107 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the Members present):

#### Yeas—22

Aikin	Krueger
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Colson	Reagan
Dies	Richter
Hall	Schwartz
Harrington	Spears
Hightower	Strong
Kazen	Watson
Kennard	Word

#### Nays—8

Bates	Creighton
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Crump	Moore
Hardeman	Rogers
Herring	Snelson

Absent

Hazlewood

#### Senate Concurrent Resolution 70 With House Amendment

Senator Hightower called S. C. R. No. 70 from the President's table for consideration of the House amendment to the bill.

The President laid the resolution and the following House amendment before the Senate:

#### Committee Amendment No. 1

Amend S. C. R. No. 70 by striking the 7th paragraph thereof which begins "Whereas, cost to the state . . . and ends with the words: "\$7,380; and" in its entirety; and by striking all three paragraphs of the resolving clause beginning with the words "Resolved by the Senate . . ." and ending with the words, "preparing the brochure."; and substituting the following resolving clause:

"Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that the Texas Legislative Council, aided and assisted by the Texas Highway Department, the Texas State Library the Director of Texana Programs at the Humanities Research Center of the University of Texas, and other state agencies and departments deemed necessary by the Council, prepare a brochure on the State Capitol and other State Buildings in the Capitol Complex, to be an Official document; and, be it further

Resolved, That the brochure be printed by the Texas Highway Department for distribution and sale through its Travel Information Bureaus, at a price determined by the Texas Legislative Council and the Texas Highway Department, and, be it further

Resolved, That the receipts from the sale of the brochure be deposited to the credit of the Texas Highway Department fund out of which the Highway Department tourist program activities are paid."

The House amendment was read.

Senator Hightower moved that the Senate concur in the House amendment.

The motion prevailed.

**Senate Concurrent Resolution 135**

Senator Creighton offered the following resolution:

S. C. R. No. 135, Authorizing Enrolling Clerk to make certain corrections in Conference Committee Report on H. B. No. 67.

Be It Resolved by the Senate of the State of Texas, the House concurring, That the Enrolling and Engraving Clerk of the House be, and is hereby directed to make the following corrections to the Conference Committee Report on House Bill No. 67.

Amend H. B. 67 by deleting Burnet County from Sec. 11 and by deleting Parker County from Sec. 12; and by adding Parker County to Sec. 18; and by adding Burnet County to Sec. 12.

The resolution was read.

Senator Creighton asked unanimous consent to consider the resolution immediately.

There was objection.

Senator Creighton then moved to suspend the regular order of business and consider S. C. R. No. 135 immediately.

The motion was lost by the following vote (not receiving two-thirds vote of Members present):

**Yeas—12**

Calhoun	Krueger
Colson	Parkhouse
Creighton	Ratliff
Hall	Rogers
Harrington	Schwartz
Kennard	Spears

**Nays—19**

Aikin	Kazen
Bates	Moore
Blanchard	Patman
Cole	Reagan
Crump	Richter
Dies	Snelson
Hardeman	Strong
Hazlewood	Watson
Herring	Word
Hightower	

The resolution was then referred to the Committee on Legislative, Congressional and Judicial Districts.

**House Bill 196 on Second Reading**

The Senate resumed the consideration of the pending business, same being H. B. No. 196 on its second reading and passage to third reading (the bill having been read the second time this morning).

Question—Shall H. B. No. 196 be passed to third reading?

**Senate Resolution 217 on Second Reading**

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading the following resolution:

S. R. No. 217, Amending Senate Rule 109 relating to filing reports of committees.

The resolution was read and was adopted by the following vote:

**Yeas—29**

Aikin	Krueger
Bates	Moore
Blanchard	Parkhouse
Calhoun	Patman
Colson	Ratliff
Creighton	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Strong
Hightower	Watson
Kazen	Word
Kennard	

**Absent**

Cole	Crump
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**Adjournment**

On motion of Senator Herring the Senate at 6:13 o'clock p.m. adjourned until 7:30 o'clock p.m. today.

**Memorial Resolutions**

S. R. No. 838—By Senators Harrington, Colson and Dies: Memorial resolution for Edward Cleveland Lack.

S. R. No. 841—By Senator Hazlewood: Memorial resolution for C. W. Furr of Amarillo.

#### Welcome Resolutions

S. R. No. 831—By Senator Snelson: Extending welcome to the delegation from Hudspeth County.

S. R. No. 833—By Senator Watson: Extending welcome to Bobby Donaldson et al.

S. R. No. 834—By Senator Aikin: Extending welcome to Dr. Harold Hunt of Paris.

S. R. No. 836—By Senator Watson: Extending welcome to Dr. Bob Elker.

S. R. No. 839—By Senator Watson: Extending welcome to Mr. and Mrs. Jay C. Farrar, et al, of Belton.

S. R. No. 840—By Senator Snelson: Extending welcome to Terry Guerra of Sierra Blanca.

#### APPENDIX

##### Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. 408, "An Act to authorize and provide for the establishment of Regional Education Media Centers pursuant to rules and regulations prescribed by the State Board of Education and the Central Education Agency for the purposes and subject to certain provisions and limitations herein contained, thereby to provide for a system or program for the local development, operation and distribution of educational media services, professional and material for participating public school districts of Texas; to provide for a governing body or board for each Center and

prescribing certain duties and functions; providing for financing of the Centers' program, by district participants in the Center and the state on a formula basis, the state's share or cost therein to be paid out of the Minimum Foundation School Fund, and permitting additional financing thereof from other sources, to provide that no state funds shall be expended until the 1967-1968 school year; providing for review of the centers by audit and accreditation divisions of the Agency; providing for expenditures of such Center funds; providing a severability clause and an effective date of this Act; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 532, "An Act authorizing the County Judge of certain counties to appoint a County Industrial Commission; providing for the study, promotion and development of business, industry, and commerce in counties; and recommendations by such Commission, fixing the tenure of office of its members, authorizing payment of the expenses of such Commission; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 572, "An Act relating to a credit for license fees paid on motor vehicles which are subsequently destroyed; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 559, "An Act relating to the organization and area of the Upper Red River Flood Control and Irrigation District; amending Sections 1, 2, and 3 Chapter 454, Acts of the 45th Legislature, Regular Session, 1937, and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 553, "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as Comanche Hills Utility District, declaring District a governmental agency, body politic and corporate; defining the boundaries; finding the field notes and boundaries form a closure and related matters; finding a benefit to all land and other property within the District; finding that District is created to serve a public use and benefit, conferring on District the rights, powers, privileges, authority and duties of the General Laws of Texas applicable to water control and improvement districts created under Article 16, Section 59, Constitution of Texas, where not in conflict with this Act and adopting same by reference; providing for governing body of District; providing for qualifications and bonds of Directors; naming first Board of Directors; providing for terms and election of Directors and related matters; providing for Directors to fill vacancies; providing for organization of Board of Directors; providing for a secretary pro tem; providing for employment of engineers, auditors, attorneys, fiscal agents, and other employees; providing for bonds and refunding bonds to be approved by the Attorney General of Texas and regis-

tered by the Comptroller of Public Accounts of Texas and providing for negotiability, legality, validity, obligation, incontestability of the bonds and refunding bonds; providing the power of eminent domain shall be limited to Bell County; providing District shall bear expenses of relocating, raising or rerouting of any highway, railroad, or utility lines or pipelines made necessary by its exercise of the power of eminent domain; determining and finding the requirements of Article 16, Section 59(d) as to notice of intention to introduce this Act have been fulfilled and accomplished; providing for the selection of a depository or depositories for the District, and related matters; providing additional powers of District within and without boundaries of District but limited to Bell County; providing that Article 7880-77b shall not be applicable to this District, and related matters; providing that notice of all elections shall be under hand of president or secretary; providing for canvassing election returns; providing the bonds of this District and their transfer and income therefrom and profits thereon and purchases made by District shall be tax-free in this state; providing the bonds and refunding bonds of this District shall be eligible investments; enacting other provisions related to the aforementioned subjects; providing for a severability clause; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 457, "An Act amending Article 1.13, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925, as added by Section 1, Article VII, Chapter 24, Acts of the 57th Legislature, 1st Called Session, 1961, relating to acceptance of postmark as evidence of timely making of payments or filing of various documents; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 149, "An Act to provide financial support from state funds on a limited basis for the development of instructional television services toward the enhancement of classroom instruction in the public elementary and secondary school system of Texas; providing and prescribing for the reimbursement of a portion of the cost thereof by and pursuant to regulations of the Central Education Agency from the Foundation School Fund; making the Act effective for the school year beginning 1965-66 and thereafter; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 50, "An Act to provide a sick leave policy for all teachers employed in the Texas Public Free Schools, setting out the Minimum Sick Leave Program, providing for reports to and administration through the Central Education Agency; providing for financing from the State Foundation School Fund; to take effect for the 1967-68 school year and thereafter; providing a severability clause; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. 405, "An Act amending Senate Bill No. 79, Chapter 380, Page 858, General and Special Laws of the

State of Texas, 57th Legislature, Regular Session, 1961, as amended, which is codified as Article 695j, Vernon's Texas Civil Statutes, by amending Subparagraph (g) of Section 1; redefining the term "recipient of public assistance" so as to extend the Medical Assistance Program to include recipients of Aid to the Blind, Aid of the Permanently and Totally Disabled, and Aid to Families with Dependent Children (including the children and/or the caretaker with whom the child lives); adding Subparagraph (j) to Section 1 so as to define "optometrist" as "vendor of optometric care" and provide for monetary assistance to vendors of optometric care under Medical Assistance Program; adding a new Subsection (3) to Section 3 of said Article so as to authorize the State Department of Public Welfare under certain conditions and limitations to extend medical services to recipients of public assistance to include services rendered outside a hospital or nursing home; adding a new Subsection (4) to Section 3 relating to persons eligible for medical assistance; fixing the effective date of Medical Assistance payments on behalf of the blind, the disabled, and the children, including their caretakers; providing a repealing clause; a savings clause; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 146, "An Act relating to the reorganization of the state agencies that administer laws relating to water resources administration and development and to the powers and functions of those agencies; amending Sections 2, 3, 4, 7, 12, 14, 18, 21 and 21-a, of, and adding new Sections to Chapter 425, Acts of the 55th Legislature, Regular Session, 1957, as amended; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 145, "An Act concerning water resources and water rights and water resources and water rights administration; further amending Article 7477 of the Revised Civil Statutes of Texas, 1925, as amended; changing the name of the Texas Water Commission to the Texas Water Rights Commission; defining certain terms; providing for the appointment and terms of office of the members of the Texas Water Rights Commission; providing for rules and regulations; providing for biennial reports; providing for the appointment and salary of an Executive Director; providing for the transfer of funds, records, and equipment; providing for the administration of permits to appropriate public waters; declaring legislative intent with regard to cancellation of unused permits and certified filings; providing that certain rights, powers, and duties of the Board of Water Engineers and the Texas Water Commission are transferred to the Texas Water Rights Commission; providing that the Attorney General shall be the legal advisor of the Commission and other legal counsel may be employed subject to the consent of the Attorney General; providing for cooperation with the United States and other state agencies; providing for appeals from rulings of the Commission; providing for copies of Commission records and rulings; amending Acts 1925, 39th Legislature, chapter 25, Section 3c, as amended, relating to the designation of underground water reservoirs and subdivisions thereof; providing a savings clause; providing for severability; repealing certain laws; providing an effective date; and declaring an emergency." has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor

May 31, 1965

S. B. No. 50

S. B. No. 145

S. B. No. 146

S. B. No. 149

S. B. No. 408

S. B. No. 457

S. B. No. 532

S. B. No. 553

S. B. No. 559

S. B. No. 572

#### SEVENTY-FOURTH DAY

(Monday, May 31, 1965)

The Senate met at 7:30 o'clock p.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Absent—Excused

Cole

A quorum was announced present.

Lieutenant Governor Preston Smith offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

#### Leave of Absence

Senator Cole was granted leave of absence for today on account of important business on motion of Senator Schwartz.

#### Message From the House

Hall of the House of Representatives  
Austin, Texas,  
May 31, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to